Draft Environmental Impact Statement

University Commons
Town of Allegany
Cattaraugus County, New York

December 22, 2005

Project Sponsor

COR Route 417 Company, LLC
540 Towne Drive
Fayetteville, NY 13066

Prepared By

Bergmann Associates
200 First Federal Plaza
28 East Main Street
Rochester, NY 14614

DRAFT ENVIRONMENTAL IMPACT STATEMENT

UNIVERSITY COMMONS
NYS ROUTE 417
TOWN OF ALLEGANY, CATTARAUGUS COUNTY, NY
December 2005

LEAD AGENCY:

Town of Allegany Planning Board
Town Hall
52 West Main Street
Allegany, NY 14706

Contact: Carol H. Horowitz, AICP
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PROJECT SPONSOR:

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Date of Acceptance:

Consideration Period:

Executive Summary

This Draft Environmental Impact Statement (DEIS) is submitted by COR Route 417 Company, LLC (Project Sponsor), as part of its application for Site Plan approval for the proposed development in the Town of Allegany, New York. The DEIS is submitted to the Town of Allegany Planning Board (Lead Agency), in compliance with the requirements of the State Environmental Quality Review Act (SEQR), Article 8 of the NYS Environmental Conservation Law. The DEIS discusses any potential significant environmental impacts, and subsequent mitigating measures of the proposed project. It also considers alternatives and evaluates several other elements prescribed by the SEQR regulations (6NYCRR 617.14(f)). The proposed actions are:

1. Approval by the Town of Allegany Planning Board of the proposed site plan;
2. Approval by the Town of Allegany Planning Board of the subdivision plan, to combine previously subdivided lots;
3. Approval by the Town of Allegany Town Board, Town of Allegany Planning Board and Cattaraugus County Planning Board to rezone 6.62 acres of land from Single Family Residential (R-1) to Commercial (C-1);
4. Approval by the Town of Allegany Planning Board for a special use permit for shopping plazas and complexes within a Commercial (C-1) District;
5. Approval by the Town of Allegany Zoning Board of Appeals for a variance to occupy 25% of the front building setback area along NYS Route 417 with parking and a drive aisle;
6. Approval by the Town of Allegany Zoning Board of Appeals for a variance to occupy 4% of the rear building setback area with pavement;
7. Approval by the Town of Allegany Zoning Board of Appeals for a variance to alter parking space size on the development from 10 feet by 20 feet to 9.5 feet by 18 feet;[1]
8. Approval by Town Board for abandonment of .0543 acres of Castle Drive right-of-way.
9. Approval by other appropriate governmental and municipal agencies.

University Commons shopping will consist of 205,300 $\pm$ square feet ("SF") of office, retail and restaurant space developed on approximately 20$\pm$ acres which on the north side of Route 417 across from the St. Bonaventure University (Figure 1: Project Location Map).

[1] Note: At the time this DEIS was published, the Town was considering changing the parking size requirement from 10 feet by 20 feet to 9.5 feet by 18 feet. If this change is approved, a parking size variance for University Commons will not be needed.

The development is anticipated to be constructed over the course of two years, based on the ability to attract tenants. This DEIS is predicated on the full build-out of the University Commons for the maximum potential impact proposed by full development. Recently, St. Bonaventure University undertook to demolish the existing structures on the site so the site is largely already disturbed. Once all project approvals have been obtained, construction will commence. The first step will be to establish construction access to the site following with site grading, installation of storm water, sewer and water infrastructure for the overall site. As tenants make commitments to locate within the University Commons, building construction will commence together with associated parking lot construction, landscaping and road improvements. The developer will comply with the Phase II SPDES regulations which require, among other things, that disturbed earth be stabilized (stoned or vegetated) after 14 days. In this fashion, areas of the site which are not immediately developed will have an aesthetically pleasing appearance, maintained with either lawn, stone or vegetative cover.

Given that specific tenants have not yet committed to the site, the exact configuration of each building has not yet been finalized. It is anticipated that the SEQRA review will issue a Findings Statement which provides parameters for building location, square footage and architecture. Overall site plan and special permit can then be granted subject to:

1. Planning Board Architectural review and approval of each building prior to issuance of a building permit with all buildings adhering to the architectural theme depicted in the elevations included in the DEIS;
2. Planning Board review and approval of full civil engineering plans for each building prior to issuance of a building permit: and
3. Other conditions which in the Planning Board's determination are required.

Positive and negative environmental impacts are discussed throughout the document and mitigation measures that minimize adverse impacts are identified. Results are supported by available studies and reports.

Net benefits will result from the construction and operations of the proposed development. Several retailers will be introduced to the local market, which will offer the consumer convenience, increased choices in merchandise, and increased customer spending in the market area. A mostly vacant and underutilized parcel will be redeveloped, enhancing the existing NYS Route 417 commercial corridor with development consistent with the character and intent of the area, Town zoning and the Route 417 Corridor Management Plan. Additional apartment units will be constructed, which will offer more living choices for Town residents. The local economy will benefit through the provision of new jobs for local residents as well as both sales and property tax revenues for local government.

Surface water impacts will be mitigated through appropriate grading, landscaping, and a storm drainage system within the site. An on-site storm water management system will mitigate post-development runoff to be less than or equal to pre-development runoff. The storm water management plan will also address storm water quality issues. No new pollutants will be introduced into the area and runoff is expected to remain consistent with that generated by other nearby existing roadway and commercial uses. Although the site is located over a primary aquifer, the Village of Allegany wells are not located in the vicinity of the project site. Due to the developed state of the project site and the distance from the Town's wells, no pollutants will enter local groundwater resources. There are two private wells serving residential properties on Cranberry Road. Given that the existing neighboring private wells are upstream, over 500 feet from the project site, the amount of storm water quality treatment being completed on site, and the depth of ground water is greater than 4' below the bottom of the ponds; contamination of the private wells from the storm water runoff is unlikely. Also, due to the fact that the existing site is developed with no storm water quality provisions and the existing runoff is allowed to infiltrate in the northern portion of the site without any filtering, the proposed condition will be an improvement over the existing condition.Furthermore, no significant impacts to groundwater or surface water quality are anticipated.

The proposed development does not involve any regulated air emissions sources, and will not release any direct air pollutant discharges. The proposed roadway improvements will improve the level of service at all existing signalized intersections servicing the project site from there current condition, decreasing automobile emissions.

The project site has been previously developed, so property redevelopment does not represent a loss of any significant habitat or ecological resources to this area. The few vegetation cover types existing on the site are common in this region of New York State. The loss of these common cover types would not be a significant loss to this region. Since there are no NYSDEC or federally regulated wetlands on the Site or in the immediate vicinity, there will be no wetland impacts. There is no known nesting endangered or threatened species in the project area.

Proposed traffic mitigation measures include: adding an eastbound left turn lane on Route 417 at the westerly site driveway by re-striping the existing two-way left turn lane; adding an eastbound left turn lane on Route 417 at the proposed middle site driveway by re-striping the existing two-way left turn lane; constructing a westbound right turn lane at the proposed middle site driveway on Route 417; installing a 3 color, two-phase traffic signal at the proposed middle site drive intersection with Route 417; constructing the proposed west site drive on Route 417 with two stop sign controlled lanes exiting and one lane entering to accommodate the appropriate design vehicle; constructing the middle site drive on Route 417 with two lanes exiting (a left turn lane and one shared through/right turn lane) and one

lane entering to accommodate the appropriate design vehicle; constructing the proposed east site drive on Route 417 with one stop sign controlled lane exiting and one lane entering to accommodate appropriate design vehicle.

Current land use in the vicinity of the site to the east along NYS Route 417 is large scale commercial and includes several big box retail stores, fast food, high turnover restaurant and sit down restaurants. The proposed development will extend and enhance the existing commercial corridor along NYS Route 417, which corresponds to the recommendations of the Route 417 Corridor Study. The project site is located on land currently zoned as a Commercial District (C-1) and Single Family Residential District (R-1), with a Route 417 East Overlay District (CO-1). Approximately 6.62 acres of land need to be rezoned from Single Family Residential (R-1) to Commercial District (C-1). A special use permit is needed to allow shopping plazas and complexes within a C-1 Commercial District. Three zoning variances are needed in order to reduce the parking space area from 10 feet by 20 feet to 9.5 feet by 18 feet, to allow parking within the front building setback and to allow a drive aisle within the rear yard setback.

Utilities will be extended to the site from an available existing network along NYS Route 417. Based upon a proposed estimate of usage, the existing network is capable of meeting the needs of the University Commons development.

The increase in commercial building square footage will have no significant increase in demand for town services such as fire, police or ambulance. Any realized increase in services can be funded through future property taxes.

Visual resources in the Town will be improved with the redevelopment of this site. Presently, St. Bonaventure University has begun demolishing the existing buildings due to their deteriorating conditions. University Commons will blend with surrounding commercial and retail and uses and the commercial character of the area. Impacts to visual resources will be reduced through the application of site design principals and specified design guidelines. The open visual environment will be enhanced through landscaped islands in the parking lot to break up sight lines. Natural vegetative buffers and landscaping on the periphery of the project site will provide view filtering from adjacent properties and from the larger view shed.

The proposed action will not impact any facility or site listed on the State or National Register of Historic Places or any historic or archeological important sites.

In conclusion, the proposed development has no significant negative impacts to the community or environmental impacts which can not be mitigated.

Chapter 1

Introduction

Draft Environmental Impact Statement

University Commons
Town of Allegany, Cattaraugus County, NY

December 2005

1.0 Introduction

The State Environmental Quality Review (SEQR) regulations were adopted on September 1, 1978 to incorporate the consideration of environmental factors in the early stages of actions that are undertaken, funded or approved by local, regional or state agencies in New York State. By incorporating a systematic interdisciplinary environmental review in the early planning stages, projects can be modified as needed, to avoid adverse impacts on the environment. It is the intention of SEQR that the protection and enhancement of the environment, human and community resources be given the appropriate weight with social and economic considerations in determining public policy, and in considering and reaching decisions on proposed actions.

To accomplish this interdisciplinary review of an action, government agencies are required to determine whether a proposed action may have a significant impact on the environment, and if so, prepare or request an Environmental Impact Statement (EIS). A Draft EIS identifies any relevant adverse environmental impacts so identified, and assesses reasonable alternatives to the proposed action. To coordinate the environmental review process a Lead Agency is designated. In the case of an action being proposed by a public agency, the agency itself may be the Lead Agency. However, when a private applicant is proposing an action, the Lead Agency is identified from involved local, regional or state agencies. For this project, the Town of Allegany Planning Board is acting as SEQR Lead Agency.

Under SEQR, there are numerous opportunities for the public and governmental agencies to evaluate the proposed action, request additional information, or comment on the action.

This Draft Environmental Impact Statement (DEIS) is set up to review the potential for environmental impacts identified by the Lead Agency as potentially significant including, traffic impacts, air emissions, storm water drainage, and the identification of state or federal wetland areas, if any. Natural and Human Resources are described in their present state in Section 3.0, Environmental Setting. The document then discusses the anticipated Environmental Impacts and the proposed Mitigation in Section 4.0. Unavoidable Adverse Impacts are presented in Section 5.0; Alternatives in Section 6.0; and Irreversible & Irretrievable Commitment of Resources in Section 7.0.

The document also includes support data, information and reports in the References & Consultations, List of Preparers, and the Appendices sections. DEIS documents are structured in a manner whereby issues are addressed in various sections of the document, with each section being integral to the total understanding of the respective topic.

According to the SEQR handbook, a Draft EIS should contain a general discussion of significant impacts, alternatives and mitigation measures requested by the lead agency in a reasonable level of detail. The purpose of the public comment period is to allow all involved

agencies and the public to review the Draft EIS and comment on its content, so that the Lead Agency can determine if a Negative Declaration or a Final EIS would be appropriate.

The public review period is an opportunity to review the proposed action. Commenting on the Draft EIS allows the public and agencies to have direct input into the decision-making process. The public comment period on the Draft EIS must be a minimum of 30 days, with public review time frames to be established by the Lead Agency, provided no changes are made to the SEQR mandated timeframes.

Upon completion of the public review period, the Lead Agency must determine whether all areas of concern have been addressed and/or mitigation measures are adequate, or to prepare a Final EIS, if necessary, to respond to public comment. The Final EIS includes the Draft EIS, the substantive comments received, response to these comments, revisions to the Draft EIS, and reasons for these revisions. Once the Final EIS is completed, the Lead Agency may make a SEQR determination by issuing a Findings Statement after a minimum 10 day public review period.

The Findings Statement, if required would demonstrate that the proposed action minimizes or avoids adverse environmental effects to the maximum extent practicable, and that the proposed action incorporates practical mitigation measures identified in the SEQR process. These demonstrations must be based on facts and conclusions that are derived from the Draft EIS, public and agency comments, and any hearing records. The considerations that have been weighed and the reasoning behind a decision to approve or not to approve an action would be provided at this time.

Chapter 2

Description of Proposed Action

Draft Environmental Impact Statement

University Commons
Town of Allegany, Cattaraugus County, NY

December 2005

2.0 Description of Proposed Action

This Draft Environmental Impact Statement (DEIS) is submitted by COR Route 417 Company, L.L.C. as part of an application for approval for University Commons, an approximately 211,360 square feet mixed use development in the Town of Allegany, New York. The uses will include 126,460 square feet of retail, 54,900 square feet of office and 30,000 square feet of restaurant space The proposed square footage is based on an approximate maximum development potential for the purpose of identifying potential impacts which are directly related to square footage such as traffic impacts in this DEIS. The square footage shown on the proposed site plan is slightly lower than the development maximum of 211,360 square feet and will not exceed the maximum when full build out is achieved. The proposed actions for this project are:

1. Approval by the Town of Allegany Planning Board of the proposed site plan;
2. Approval by the Town of Allegany Planning Board of the subdivision plan, to combine previously subdivided lots;
3. Approval by the Town of Allegany Town Board, Town of Allegany Planning Board and Cattaraugus County Planning Board to rezone 6.62 acres of land from Single Family Residential (R-1) to Commercial (C-1);
4. Approval by the Town of Allegany Planning Board for a special use permit for shopping plazas and complexes within a Commercial (C-1) District;
5. Approval by the Town of Allegany Zoning Board of Appeals for a variance to occupy 25% of the front building setback area along NYS Route 417 with parking and a drive aisle;
6. Approval by the Town of Allegany Zoning Board of Appeals for a variance to occupy 4% of the rear building setback area with pavement;
7. Approval by the Town of Allegany Zoning Board of Appeals for a variance to alter parking space size on the development from 10 feet by 20 feet to 9.5 feet by 18 feet;[1]
8. Approval by Town Board for abandonment of .0543 acres of Castle Drive right-of-way.
9. Approval by other appropriate governmental and municipal agencies.

The proposed site is located on the north side of New York State Route 417, approximately 530 feet east of the intersection of NYS Route 417 and Constitution Avenue. In general, this portion of NYS Route 417 is a commercial corridor in the Town of Allegany. In the project's vicinity, the corridor has a commercial focus with large scale retail development and restaurants along both the north and south sides of NYS Route 417.

[1] Note: At the time this DEIS was published, the Town was considering changing the parking size requirement from 10 feet by 20 feet to 9.5 feet by 18 feet. If this change is approved, a parking size variance for University Commons will not be needed.

The development is anticipated to be constructed over the course of two years, based on the ability to attract tenants. This DEIS is predicated on the full build-out of the University Commons for the maximum potential impact proposed by full development. Recently, St. Bonaventure University undertook to demolish the existing structures on the site so the site is largely already disturbed. Once all project approvals have been obtained, construction will commence. The first step will be to establish construction access to the site following with site grading, installation of storm water, sewer and water infrastructure for the overall site. As tenants make commitments to locate within the University Commons, building construction will commence together with associated parking lot construction , landscaping and road improvements. The developer will comply with the Phase II SPDES regulations which require, among other things, that disturbed earth be stabilized (stoned or vegetated) after 14 days. In this fashion, areas of the site which are not immediately developed will have an aesthetically pleasing appearance, maintained with either lawn, stone or vegetative cover.

Given that specific tenants have not yet committed to the site, the exact configuration of each building has not yet been finalized. It is anticipated that the SEQRA review will issue a Findings Statement which provides parameters for building location, square footage and architecture. Overall site plan and special permit can then be granted subject to:

1. Planning Board Architectural review and approval of each building prior to issuance of a building permit with all buildings adhering to the architectural theme depicted in the elevations included in the DEIS;
2. Planning Board review and approval of full civil engineering plans for each building prior to issuance of a building permit: and
3. Other conditions which in the Planning Board's determination are required.

In addition to describing the location, layout, construction and operation of the proposed action, this section also describes the purpose, public need and benefit of the action. Specifically, the Project Sponsor's purposes and objectives are set forth in Section 2.1.1. The Project Sponsor's basis for concluding that the public need exists for the development is discussed in Section 2.1.2. The economic and other benefits of the project to the local area are presented in Section 2.1.3.

2.1 Project Purposes, Need and Benefits

2.1.1 Objectives of the Project Sponsor

The project sponsor's objectives in developing this property are:

1. To provide a high quality, convenient and aesthetically pleasing retail, office and restaurant development;
2. To redevelop a mostly vacant and currently underutilized parcel of land;

3. To enhance the existing NYS Route 417 commercial corridor with development consistent with the character and intent of the area, Town zoning, and the Route 417 Corridor Management Plan.

2.1.2 Economic and Market Information

The Project Sponsor has determined that the proposed project is needed to provide opportunities for retailers expanding their presence in the marketplace with additional locations, and to provide an opportunity for new retailers to enter the marketplace. This will result in a wider range of commercial goods and services to be available to the community, the variety of which may not now be readily available in near proximity to the project site and therefore is less convenient.

2.1.3 Socio-Economic Benefits

The proposed project provides shopping opportunities for community residents. The proposed development, when complete, will represent an investment in the Town of Allegany of approximately $10,000,000. The combined real property tax of $16.58 per $1,000.00 of assessed value applicable to the project site will generate approximately $165,800 in real property taxes on an annual basis.

New York State sales tax in the amount of $750,000-$800,000 annually would also be generated by the project. Real property and sales taxes generated would then be distributed in accordance with Town of Allegany, Cattaraugus County, and New York State fiscal policies.

In addition to the economic benefits of the proposed retail development from sales and real property tax revenue, the retail development will generate approximately 460 jobs during construction and approximately 575 retail jobs after construction of the project is complete. Indirect economic impacts, including increased disposable income and trickle down financial impacts benefiting the town and surrounding area can also be expected.

2.2 Location and Character of the Project Area

The proposed project is located on the north side of NYS Route 417 across from the St. Bonaventure University (Figure 1: Project Location Map). The proposed project is located on a 20± acre parcel. The project has approximately 1,684 linear feet of frontage on NYS Route 417. The proposed development blends well with the

predominately commercial character of the NYS Route 417 corridor in the Town of Allegany.

The existing commercial corridor, of which the proposed action will be a contiguous part, begins at Constitution Avenue, and extends east to the City of Olean, New York. Large-scale commercial development with big box retail and restaurants dominate the area along this portion of NYS Route 417. Land uses surrounding the project site, include single-family residential, public services, community services (St. Bonaventure University) and vacant (Figure 2: Land Use Map).

The existing commercial corridor is made up of a variety of commercial and retail uses. This project will add new merchandise and services, as well as competitive pricing to complement the choices of the customer base. By adding such proposed development at this location, the Town will be preserving the rural and residential character of other portions of the Town by clustering retail ventures.

Currently, the site is zoned Single Family Residential (R-1) and Commercial (C-1), with a Route 417 East Corridor Overlay District (CO-1). The proposed development plan is consistent with the existing character of the corridor, zoning, and the goals of the Town's Route 417 Corridor Management Plan, which recommends encouraging mixed-use development and promoting campus-like development opposite St. Bonaventure University.

Approximately 6.62 acres of land need to be rezoned from Single Family Residential (R-1) to Commercial District (C-1). A special use permit is needed to allow shopping plazas and complexes within a C-1 Commercial District. Three zoning variances are needed in order to reduce the parking space area from 10 feet by 20 feet to 9.5 feet by 18 feet[2], to allow parking within the front building setback and to allow a drive aisle within the rear building setback. Approval by the Town Board is also necessary for abandonment of 0.0543 acres of Castle Drive right-of-way. A figure showing the lands to be rezoned is included in Appendix E.

2.3 Project Design and Layout

A preliminary site plan for University Commons is included in Appendix E. The proposed buildings include; a one-story retail (Building E), two two-story office/restaurant/retail (Buildings A&C), a two-story retail/office (Building D), a two-story restaurant/office (Building B) and a one-story restaurant/retail building. They are proposed as steel frame construction, fully sprinklered as required by Code. Access

[2] Note: At the time this DEIS was published, the Town was considering changing the parking size requirement from 10 feet by 20 feet to 9.5 feet by 18 feet. If this change is approved, a parking size variance for University Commons will not be needed.

to all buildings will be provided by entryways in full compliance with the Americans with Disabilities Act.

The design goal is to create a human scale development that promotes pedestrian access and creates an identifiable and appealing sense of place. This is achieved through the siting of the buildings, location of parking, landscaping, building massing, colors, texture and visual interest.

The two story buildings are clustered on an internal street with wide sidewalks, decorative lighting, street trees and landscaped furnishings. A pedestrian walkway through Building D terminates the street and serves as a gate to the single story retail building. The parking areas have been dispersed throughout the site to provide a proportional number of parking spaces in proximity to the building they are servicing and to limit the size of parking fields. The interior circulation system is designed to provide safe, convenient vehicular and pedestrian access throughout the plaza.

Proposed facades utilize a variety of exterior materials, colors, textures and features to provide visual variety and address the pedestrian scale. Materials under consideration include brick veneer, EIFS and wood or composite siding. Windows will be trimmed with painted aluminum frames. Decorative lighting will be compatible with the architectural character of the buildings. Security lighting will be fully screened, full cut off fixtures to avoid light glare. Canvas awnings or covered walkways where appropriate will be encouraged. Visible roof materials will relate to the identifiable clay tile roofs at the adjacent St. Bonaventure College Campus. Rooflines are varied in height through the use of parapet walls, towers and gable ends. Roof top equipment will be screened from view. The character of the buildings will be compatible through a consistent architectural language and material pallet and will avoid direct franchise-style architecture.

It is recognized that the two story buildings and the one story retail/restaurant (Building F) are visible on all sides; therefore the four elevations will be treated as primary facades. The single story retail (Building E) has two visible primary faces and two secondary faces. The secondary elevations will be treated with painted split face block and full cut off, fully shielded light fixtures as required for security. Screening to the adjacent residential neighborhood will be achieved with a continuous 6′-0″ high wood fence and landscaped buffers. Concept designs for buildings A, D & E are attached (Figures 3, 4a and 4b).

A buffer along route 417 is proposed to screen the parking areas from the roadway. Refer to Figure 15. The screen will consist of Masonry and precast piers 4′-6″ and 6′ tall which are approximately 20′-0″ on center. Between the piers is a solid 3′-0″ high maintained evergreen hedge. The masonry piers include a decorative light at the

entries and serve as a gateway to the commons. Street trees on the parking lot side of the hedge add vertical articulation to the buffer.

Landscaped buffers on the north and east sides of the property will provide visual screening for residential neighborhoods. Planting buffers will be included around the parking lots to improve views to the site, and 5% of the interior paved space will be dedicated to landscaping. Flowering trees and shrubs, perennials, evergreen screening, and hardy shade trees will be included in the planting design. The Project Applicant also will seek approval from the NYSDOT to plant street trees at 30-40 foot intervals along Route 417.

There are numerous high and low points throughout the site. However, in general, the site slopes from the southeast to the northwest with approximately a 15-foot change in grade. The proposed site plan will incorporate cut and fill areas to meet design grades for the building pads and the parking areas. The final amount of cut and fill will be dependent on the overall engineering design of the site.

The proposed development will be connected to NYS Route 417 via three full access driveways. The primary site access driveway will be a new three-lane signalized access drive located near the midpoint of the site and opposite an existing access road to St. Bonaventure University. The other driveways will be located at the westerly and easterly property lines (770 and 777 feet west and east of the primary driveway, respectively).

Layout of the parking areas minimizes conflicts between vehicles and pedestrians walking between the buildings and their cars. The majority of the retail site has been designed using a parking space to gross square foot ratio of 5.0 spaces per 1,000 SF of retail space. Office parking has been designed to accommodate 1 space per 300 SF of office space. The restaurant parking areas have been designed with a parking ratio average of approximately 1 space per 4 seats, to accommodate the tenant's anticipated parking demand.

Proposed drainage for the development will be directed into two (2) separate storm water quality basins through a system of overland flow, swales and underground storm sewer structures. Final design of the storm water management facilities will conform to the Town of Allegany and any other regulatory agencies requirements with respect to the placement of the storm water quality basins. The overall storm water management system will conform to New York State DEC's Storm Water Management Design Manual for construction activities under general permit GP-02-01. This manual sets forth criteria for the discharge of storm water runoff associated with construction activities. The criterion regulates the quantity and quality of storm water runoff that can be discharged from the site during and after construction. The

proposed storm water management ponds will be located on the northeast and northwest corners on the site. They will accept drainage from the rooftops and pavement areas associated with the retail structures and restaurants. Storm water will be treated in the ponds and released through control structures which will convey the water to an infiltration basin. The infiltration basins will disperse the treated water in to the existing soils. The in-situ soils have been found to be highly permeable with the ability to accept greater than 5.0 inches per hour of water infiltration. As a result of the highly permeable soils and/or gravel on the parcel, pond liners will be necessary to ensure the proper treatment of storm water in the water quality ponds and prevent rapid infiltration in to the existing soils. To meet the requirements of the New York State Storm Water Management Design Manual, the storm water management ponds will be designed to constantly hold 4-6 feet of water to provide water quality treatment. Moreover, buffer plantings will be utilized where the ponds adjoin residential properties. Selected vegetation will also be planted in the pond to provide further, long term water quality treatment. In addition to the NYSDEC, the Town of Allegany's requirements for post-development storm water runoff and its effects on the downstream peak flows will be addressed. A limited portion of the proposed eastern access road to Route 417 will not drain to the proposed storm water management facilities. This runoff will be collected in storm sewers and directed to the existing storm sewer in the Route 417 right-of-way. The volume and rate of water discharged to the Route 417 sewer will be less than pre-development volumes and rates.

All major utilities are available along NYS Route 417. Water service to the development will be provided to the project site by the Town of Allegany. The electric service will be provided by National Grid and the natural gas will be provided by New York State Electric and Gas.

2.4 Construction and Operation

Once all design and planning issues are addressed, the project is approved and the existing buildings are demolished, the following construction steps will be undertaken beginning with the retail center site as follows:

Construction Step 1: Establish construction site access, install erosion control measures, perform rough grade earthwork, develop building pads and foundations as appropriate, install water supply and distribution system; sanitary sewer system; storm sewer system; begin external road improvements.

Construction Step 2: Complete building/parking construction; landscaping; and road improvements; followed by occupancy. Retail building construction is expected to take approximately nine (9) months.

Erosion control for this site will consist of silt sinks and sediment basins, silt fences, storm water routing, and rock check dams. Prior to any disturbance of existing soils, the contractor will be directed to establish temporary silt sinks and basins. Storm water from disturbed areas will be directed to these basins where it will be allowed to still and settle out pollutants prior to draining off site. Minor sheet flow from disturbed areas at edges of construction will be filtered via a silt fence. In areas where storm water may collect and flow in channels, rock check dams will be placed to intercept and pre-filter runoff prior to reaching the silt basin. This pre-filtering and velocity dissipation will extend the life of the basin while controlling erosion locally. A complete Storm Water Pollution Prevention Plan (SWPPP) will be submitted to the Town of Allegany prior to beginning construction or submitting a Notice of Intent (NOI) to the New York State Department of Environmental Conservation for this project, as required by law. At least five days prior to construction, the Project Sponsor is required to send the NOI to NYSDEC for SPDES General Permit for Construction Activities under GP-02-01.

Environmentally and technologically sound construction practices will be universally applied in conformance to Occupational Safety Health Administration (OSHA), New York State, and Local requirements. Upon final site plan approval, the site engineer will prepare project specific construction specifications.

It is anticipated that the retail hours of operation will be determined by each retailer in accordance with their normal operating policies. This is likely to be consistent with the hours of other retailers in near proximity to the project site and the Town in general. The Project Sponsor will sub-contract locally for the full array of grounds keeping services including snow removal, lawn mowing, landscape maintenance, parking area sweeping and repairs in a manner meeting existing State, County and Local code requirements. Parking areas and internal roads are set up for easy and efficient snow removal, minimizing the build up and formation of ice. The use of de-icing salt can therefore be kept to a minimum while ensuring vehicular and pedestrian safety. At times of heavy snowfall, when storage space may be at a minimum, the Project Sponsor may need to truck snow off site.

2.5 Public Approvals

The required approvals for the development of the proposed project include the following:

Agency/Organization	Approval
Town of Allegany Planning Board	Special use permit for shopping plaza and complexes within a C-1 District; Utility district extensions and/or easements as appropriate; Site Plan Review and Approval/Subdivision Approval (to combine previously subdivided lots)
Town of Allegany Town Board	Rezoning 6.62 acres from R-1 to C-1; Approval by Town Board for abandonment of .0543 acres of Castle Drive right-of-way; Utility district extensions and/or easements as appropriate
Town of Allegany Zoning Board of Appeals	Three variances to allow 9.5 x 18 foot parking space size, to allow parking within front building setback and to allow a drive aisle in the rear building yard setback
Cattaraugus County Planning Board	Review of rezoning and site plan review
NYS Department of Transportation	Highway access and improvements to Route 417
Town of Allegany Department of Public Works	Approval of water service plans, backflow, approval of sanitary sewer services, highway access and improvements
NYS Department of Health	Water services plan approval and completed works, backflow
NYS Department of Environmental Conservation	Stormwater discharge, sanitary sewer services, SPDES General Permit for construction activities

Chapter 3

Environmental Setting

Draft Environmental Impact Statement

University Commons
Town of Allegany, Cattaraugus County, NY

December 2005

3.0 Environmental Setting

3.1 Geology, Soils, Topography

3.1.1 Geology and Soils

The United States Department of Agriculture National Resources Conservation Services (USDA-NRCS) Soil Survey Division has identified Olean Silt Loam and Allard Silt Loam as the majority of the soils in the project area. Figure 6 (Soil Classification Map) identifies the location of the soils on the site.

Allard Silt Loam: The Allard series consists of very deep, well drained soils formed in silty alluvium or lacustrine deposits that overlie stratified sand and gravel. They are on outwash terraces and stream terraces. Slope ranges from 0 to 15 percent. Mean annual temperature is 48 degrees F., and mean annual precipitation is 38 inches. These soils are classified as Hydrologic Group B.

Chenango Gravel: The Chenango series consists of very deep, well and somewhat excessively drained soils formed in water-sorted material on outwash plains, kames, eskers, terraces, and alluvial fans. Slope ranges from 0 to 60 percent. Mean annual temperature is 47 degrees F, and mean annual precipitation is 36 inches. These soils are classified as Hydrologic Group A.

Olean Silt Loam: The Olean series consists of very deep, moderately well drained soils formed in a mantle of silty deposits underlain by stratified glacial outwash. They are nearly level to sloping soils on outwash plains, alluvial fans and stream terraces. Permeability is moderate in the surface layer and upper part of the subsoil, moderate or moderately slow in the lower part of the subsoil, and rapid or very rapid in the substratum. Slope ranges from 0 to 15 percent. Mean annual temperature is 48 degrees F. and mean annual precipitation is 37 inches. These soils are classified as Hydrologic Group B.

Onsite geotechnical investigations have been completed and have, in general, revealed the presence of fill dirt and topsoil from 0-4 feet deep. At depth ranging from 4-10 feet, silty sand and gravel was found. No bedrock was found in any of the test excavations. The Geotechnical Engineer has indicated that the sand and gravel probably extends up to 100 feet below the ground surface and that bedrock is likely found below 100 feet.

3.1.2 Topography

The site contains numerous high and low points. The highest point on the site is located near the old Castle Restaurant and the lowest point falls near the Microtel (Figure 7: Topographic Map). These elevations are 1,434 feet above and 1,416 feet above sea level, respectively.

According to the detailed topographic survey of the northern portion of the site completed by D. Michael Canada, P.L.S., dated August 19, 2005, the slopes on site are variable ranging from approximately 1% to 10% (Figure 8: Site Survey Plan). Throughout the site, ground cover is a mixture of grass, weeds, asphalt and building surfaces.

3.2 Water Resources

3.2.1 Surface Water and Site Drainage

The site is located within the Allegheny River Watershed (Figure 9: Watershed Map). No permanent surficial bodies of water exist on site.

According to the Flood Insurance Rate Map (FIRM) dated November 1978 15th, Community Panel Number 360061 0010B, the subject parcel lies within Zone C, which is not subject to 100-year flooding events (Figure 10: Floodplain Map).

The New York State Department of Environmental Conservation (NYSDEC) Freshwater Wetland Map and Army Corps of Engineers map do not show any ***Federally***-regulated wetlands on site (Figure 11: Wetlands Maps). A walk of the site has not shown any evidence of wetlands.

The site has a uniform slope of approximately 2.0% from the south to the north and therefore storm water sheet flows in this same direction. There are only a few existing, defined drainage channels or pipes on the parcel and most, if not all, of the downspouts from the existing buildings discharge directly to the ground.

On the northern section of the property, there are two defined low areas, where storm water appears to collect during rainfall events. There have been no signs of any standing water anywhere on the parcel during several recent site visits.

According to the Cattaraugus County Soils Survey, the soils on the parcel are classified as the Allard Silt Loam, Chenango Gravel and Olean Silt Loam. These soils fall under hydrologic soils group A. Recent soil borings performed on the subject parcel confirm these classifications as they revealed that the sub-soils consisted of gravel and silty sands. The existing soils are highly permeable and allow for quick surface water infiltration, which would explain why there are limited storm sewers on-site and no evidence of standing water in the low areas. Due to the nature of the underlying soils, surface water quickly infiltrates in the ground, even during intense rainfall events. Refer to Appendix D (Allegany-University Commons Storm Water Management Report) for existing CN and Tc calculations and existing conditions drainage map.

3.2.2 Groundwater Resources

The soils on the subject parcel fall within Hydrologic Soul Groups A and B. These soils groups are characteristically moderately to well-drained and offer opportunities for a ground water re-charge.

According to the United States Geological Survey (USGS) Water Resources Investigation Report 85-4157 (*Hydrogeology of the Olean Area, Cattaraugus County, NY* USGS 85-4157), the project site is located over a primary aquifer (Aquifer #8, the Olean Aquifer). However, the site is not in close vicinity to drinking water sources. The Village of Allegany provides water to the Town of Allegany, and operates three wells between ½ mile and 1 mile from the project site. The wellheads are located on First Street, South 7th Street and Union Street (Figure 12: Map of Project Site in relation to Village Wells).

There are two private wells serving residential properties on Cranberry Road. These wells are located approximately 530 feet and 580 feet from the edge of the proposed storm water infiltration basin #2 in the northwest corner of the site. On November 14th and 15th test pits were excavated for a subsurface exploration. No groundwater was encountered during test pit excavation or in the test borings indicating groundwater level to be below elevation 1403. According to Chapter 7 of the New York State Storm Water Management Design Manual, a horizontal distance of 100 feet to a well source and a vertical separation of 4 feet to the water table are required from an infiltration storm water basin.

3.3 Air Quality

Cattaraugus County is currently an air quality attainment area, in accordance with the National Ambient Air Quality Standards (NAAQS), as listed by the Environmental Protection Agency (EPA). Attainment areas are those geographic regions that meet the health-based NAAQS for ozone (O_3), carbon monoxide (CO), nitrogen dioxide (NO_2), sulfur dioxide (SO_2), particulate matter (PM_{10}) and lead (Pb). There is currently no ambient air quality monitoring being conducted by either NYSDEC or Cattaraugus County in the immediate vicinity of the subject property.

3.3 Ecological Resources

The following section of the report describes the ecological resources on the site. It includes descriptions of vegetation communities, wetlands, wildlife, and endangered and threatened species.

3.4.1 Vegetation Communities

The project is located on a site which has been previously developed. The vegetation cover types existing on the site are very common in this region of New York State.

Based upon a site observation in August 2005, there are a variety of vegetation communities or cover types on the site, including deciduous trees, scrub-shrub upland and open fields.

Deciduous trees are scattered across the site and were probably part of the original landscape installed for the Castle Motel.

Most of the northern portion of the site is dominated by scrub-shrub upland and grassy open fields. Shrubs of varying density occur in this area with heights that range from three to ten feet tall. There are two very large deciduous trees located toward the center of the site.

3.4.2 Wetlands

The New York State Department of Environmental Conservation (NYSDEC) Freshwater Wetlands Map does not show any NYSDEC regulated wetlands on the Site or in the immediate vicinity. There are no federally regulated wetlands on the site.

3.4.3 Wildlife

All wildlife species observed on the site are common to abundant species throughout most of New York State.

3.4.4 Endangered Species

In response to a request for information on endangered and threatened species and significant habitats, the New York Natural Heritage Program (NYNHP) provided a letter dated August 10, 2005 stating that there are no known occurrences of rare of state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of the project site. The letter is included as Appendix A.

3.5 Transportation

A detailed Site Impact Evaluation for University Commons has been prepared by SRF & Associates. The full report is included as Appendix B. A summary of existing conditions follows.

3.5.1 Existing Highway System

Five existing intersections are studied in detail in the Traffic Impact Study; they include:

- Cranberry Road / Constitution Avenue
- Constitution Avenue – St. Bonaventure driveway / NY Route 417
- NY Route 417 / Francis Drive
- NY Route 417 / Willard Street
- NY Route 417 / Wal-Mart plaza driveway – Gargoyle Park Road

Constitution Avenue is a Town road that extends from Route 417 on the west to Buffalo Street on the east. Constitution Avenue serves as a bypass to Route 417 on the west side of Olean. The roadway consists of one lane in each direction and a posted speed limit of 35 MPH within the Town of Allegany and 30 MPH within the City of Olean.

Route 417, also known as West State Street within the vicinity of the project, is an east-west principal arterial type highway with a posted speed limit of 35 MPH. The highway section consists of one 12-foot wide traffic lane in each direction with a two-way center lane. The intersections of Route 417 with Wal★Mart and Constitution Avenue are controlled by traffic signals.

According to the most recent volume data collected by the New York State Department of Transportation (NYSDOT) in 2001, the annual average daily traffic (AADT) along Route 417 between County Route 19 and the Olean West city line was 11,200 and projected to be 11,300 vehicles per day (vpd) in 2003.

3.5.2 Existing Traffic Conditions

3.5.2.1 Peak Intervals for Analysis

Given the functional characteristics of the corridor and the land use proposed for the site (primarily retail/commercial development), the peak hours selected for analysis are the weekday PM and Saturday midday peaks. The combination of site traffic and adjacent through traffic produces the greatest demand during these time periods.

3.5.2.2 Existing Traffic Volume Data

Weekday PM (3:30-5:30pm) and Saturday midday (11:30am-1:30pm) peak traffic counts were obtained by SRF & Associates (SRF) at the study area intersections identified above.

Existing count data was collected by SRF at the study area intersections on Friday April 8, 2005 and Saturday April 9, 2005, with the exception of the Francis drive / NY Route 417 intersection. Turning movement counts in and out of the drive were estimated based on the facilities on the St. Bonaventure campus and traffic volumes at adjacent intersections. Data was not collected at this intersection due to modifications to the proposed site plan. When it was determined that Francis Drive intersection needed to be counted, classes at the university were already out for the summer. The peak hour traffic periods generally occurred between 3:30 to 4:30 PM and 12:00 to 1:00 PM. The existing peak hour volumes are depicted in Figure 2 of Appendix B.

All turning movement count data was collected on typical weekdays/weekends while St. Bonaventure University had classes in session. All traffic volumes were reviewed to confirm the accuracy and relative balance of the collective traffic counts. All traffic volumes were found to balance within the network within reasonable and expected variations.

3.5.2.3 Existing Operational Analysis

Capacity analysis is used for estimating the traffic carrying ability of facilities over a range of pre-determined operational conditions. The main objective of the analysis is to estimate the maximum number of persons or vehicles that a facility (intersection or roadway segment) can accommodate during a specific time period.

Intersecting roadways generally provide the initial constraint on a facilities capacity. Efficiency at the intersections becomes the critical constraint for capacity. Vehicle interactions at these points must therefore be analyzed to assess the projected capacity levels. The standard procedure for capacity analysis of unsignalized intersections is outlined in the 2000 Highway Capacity Manual (HCM 2000) published by the Transportation Research Board. Traffic analysis software, Synchro 6, which is based on procedures and methodologies contained in the HCM 2000, was used to analyze operating conditions at study area intersections. The procedure yields a Level of Service (LOS) based on the HCM 2000 as an indicator of how well intersections operate. Level of Service is a quality measure describing operational conditions in terms of service measures such as freedom to maneuver, traffic interruptions, comfort, convenience, speed, and travel time.

The concept of Level of Service is defined as a qualitative measure describing operating conditions within a traffic stream, and their perception by motorists and/or passengers. Six Levels of Service are defined for analysis purposes. They are assigned letter designations, from "A" to "F", with LOS "A" representing the best conditions and LOS "F" the most amount of delay.

Suggested ranges of service capacity and an explanation of Levels of Service are included in the attachment to this letter. The following Levels of Service (LOS) resulted from this analysis:

Table 1: Existing Intersection Capacity Analysis

Intersection	**Existing Conditions**	
	PM	SAT
Route 417 / Willard Street		
Eastbound Left	A	A
Southbound Left	A	A
Route 417 / Wal-Mart Drive		
Eastbound	B	A
Westbound	C	C
Northbound	B	B
Southbound	B	B
Overall	**B(16.6)**	**B(15.1)**
Route 417 / Constitution Ave.		
Eastbound	B	B
Westbound	B	B
Northbound	B	B
Southbound	B	B
Overall	**B(14.9)**	**B(14.1)**
Cranberry Road / Constitution Ave.		
Eastbound	A	A
Westbound	B	B
Northbound	A	A
Southbound	A	A
Route 417 / Francis Drive		
Westbound Left	A	A
Northbound Left	C	C

Route 417 / Willard Street

This intersection is shown to operate at LOS "A" for both the eastbound and southbound approaches during both PM and Saturday peak periods.

Route 417 / Wal-Mart Drive-Gargoyle Park

This intersection is shown to operate at LOS "C" or better on all approaches during both peak periods studied. The overall intersection operation is LOS "B" during both peak periods studied.

Route 417 / Constitution Avenue
This intersection is shown to operate at LOS "B" or better on all approaches during both peak periods studied. The overall intersection operation is LOS "B" during both peak periods studied.

Cranberry Road / Constitution Avenue
This intersection is shown to operate at LOS "B" or better on all approaches during both peak periods studied.

Route 417 / Francis Drive
This intersection is shown to operate at LOS "C" or better on both approaches during both peak periods studied.

3.5.2.4 Existing Accident Investigation

Accident reports for the intersections along Route 417 and Constitution Avenue were investigated to assess the safety history. The accidents included in the current review occurred during a three-year time period from June 1, 1999 through March 31, 2005. This is the most recent accident data available, as provided by NYSDOT, Village of Allegany, and Cattaraugus County Sheriff. During this period, 16 accidents were documented at the intersections along Route 417 and Constitution Avenue included in the study area. The accident collision diagram is shown on Figure 3 in Appendix B.

The accident history was further investigated to identify high incident areas and possible trends/causes of the accidents. Table II summarizes accidents occurring at each intersection. Based on the number of accidents at each intersection, accident rates were calculated and compared to the statewide average for similar facilities. The calculated rates and comparison to statewide averages are also summarized in Table 2. Accident rate calculations are included in the Appendix. Intersection rates are listed as accidents per million entering vehicles (ACC/MEV).

Table 2: Summary of Accidents and Comparison of Rates

Intersection	Total Number of Accidents	Actual Rate	State Wide Average Rate
Wal★Mart Drive-Gargoyle Park Rd. / Route 417	10	0.32	0.60
Willard Street / Route 417	1	0.04	0.16
Constitution Avenue / Route 417	5	0.16	0.60
Constitution Avenue / Cranberry Road	1	0.14	0.27

All of the intersections included in the accident investigation are less than the state wide average accident rate, as shown above; therefore no further investigation is necessary.

3.6 Land Use, Comprehensive Plans and Zoning

3.6.1 Land Use

The proposed project is located on the north side of NYS Route 417, across from St. Bonaventure University. Besides the university, this section of NYS Route 417 is a retail and commercial corridor in the Town of Allegany. In the project's vicinity, there are large scale retail stores, restaurants, hotels and gas stations along both the north and south sides of NYS Route 417. The area surrounding this corridor is primarily residential or undeveloped land.

The subject site previously housed an active motel, theater and restaurant, but is currently under demolition by St. Bonaventure University. The southern boundary of the site has approximately 1,684 linear feet of frontage along NYS Route 417. Along western property line, the site is primarily bordered by residential retail commercial uses. The northern boundary of the property is adjacent to a residential neighborhood. To the east of the site is another residential neighborhood and, just beyond it, a retail shopping center with two big box retailers.

3.6.2 Comprehensive Plan

The Town of Allegany does not have a current comprehensive plan. Land use planning for this section of the Town of Allegany is based upon the 1997 *Planning and Development Policies of the Town of Allegany, Section I*, the

Town Zoning Ordinance, the Town Zoning Map, and the 1999 Route 417 Corridor Management Plan.

The Corridor Management Plan recommends the promotion of campus-like development across from Saint Bonaventure University, meaning mixed-used development and the enhancement of visual character through pedestrian walkways and landscaped buffers.

3.6.3 Zoning

As shown on the Town of Allegany Zoning Map (Figure 13: Zoning Classifications) the majority of the project site is located on land currently zoned Commercial District (C-1). A small portion of the northern property and six parcels along NYS Route 417 fall within the Single-Family Residential District (R-1). The adjoining properties directly adjacent to the east are within the Commercial District (C-1). Across NYS Route 417, south of the project site, St. Bonaventure University is zoned as Community Facilities (CF). To the west, properties are zoned Highway Commercial District (C-2).

Currently, Castle Road terminates north of the project site. In exchange for abandonment of 0.0543 acres of Castle Drive right-of-way, the Project Applicant will construct a road turnaround that is acceptable to the Town of Allegany Highway Department.

The entire project area and all adjacent properties are also within the NYS Route 417 East Corridor Overlay District (CO-1). According to the Town of Allegany, the purpose of the NYS Route 417 East Corridor Overlay (CO-1) District is to foster and encourage commercial and other types of development, while at the same time promoting safety for pedestrian, vehicular and commercial traffic. It is also the purpose of the zoning district to promote development that has consistency of architectural character and site design and positive visual aesthetics, and to protect residential neighborhoods from the traffic, congestion and other potential impacts that may result from adjacent commercial development through the use of landscaping, buffering, and screening.

3.7 Community Services

3.7.1 Utilities

3.7.1.1 Water

The project site is presently serviced by a municipal water supply. The water supply is owned and operated by the Town of Allegany which purchases the water from the Village of Allegany. There is an existing 12″ water main extending along the north side of NYS Route 417. The Village of Allegany has three (3) wells and one (1) elevated storage tank which provide water to the Town and Village users. Each well is capable of producing approximately 600 gallons per minute of potable water.

A hydrant flow test recently conducted on August 2, 2005, revealed adequate pressures and flows to support typical commercial developments such as the University Commons. The results are included in Appendix C.

3.7.1.2 Sanitary Sewer

An existing 8″ public (dedicated) sanitary line maintained by the Town of Allegany runs through the center of the site. The sewer flows west across the subject parcel and eventually crosses NYS Route 417 to the west of the parcel. Eventually the sanitary flows enter a series of pump stations and force mains, which convey sewage to the City of Olean for treatment.

The proposed layout of the buildings and other facilities associated with the redevelopment of the subject parcel will necessitate the relocation of this sewer line to the northernmost portion of the property. There appears to be enough grade differential across the site to allow the relocation of the sewer while following Ten States Standards for Wastewater Facilities.

Preliminary discussions with the Town of Allegany relative to the capacity of the existing sewer have occurred. The Town has indicated that the sewer does have sufficient capacity to handle the proposed development. There are also no capacity issues with any of the downstream gravity sewers, pump stations or force mains.

3.7.1.3 Storm Sewers

Presently there exists a limited system of drainage inlets and storm drains on the subject parcel. These facilities appear to drain to the NYS Route 417 right-of-way (ROW). The storm sewers along NYS Route 417 eventually drain to the Allegheny River.

3.7.1.4 Gas

Gas lines are located within the right-of-way (ROW) of NYS Route 417 adjacent to the project site. The facilities are part of a distribution system owned and maintained by New York State Electric and Gas (NYSEG).

In the past, NYSEG has provided gas service to the existing structures on the subject site. Alternatives for providing energy services to the proposed buildings should be discussed with NYSEG during the design phase of the project.

According to NYSEG, there is sufficient gas supply within the distribution network surrounding the project site to service approximately 250,000 square feet of retail and restaurant space.

3.7.1.5 Electric

Electric lines are located within the ROW of NYS Route 417 adjacent to the project site. These electric lines are part of a distribution system owned and maintained by the Niagara Mohawk, which will be renamed National Grid this fall. All electric lines are located overhead and are mounted on wooden utility poles.

According to Niagara Mohawk, there is sufficient electric supply within the distribution network surrounding the project site to service typical commercial development along the NYS Route 417 corridor.

3.7.1.6 Telephone

Telephone lines are located within the ROW of NYS Route 417 adjacent to the project site. This telephone line is part of a distribution system owned and maintained by Verizon Communications. All telephone lines are located overhead and are mounted on wooden utility poles.

3.7.2 Municipal Services

Police service is provided by the Village of Allegany Police Department, which operates from 106 East Main Street, P.O. Box 25, Allegany, NY, 14706, in the Village of Allegany. Additional police service is provided by the Cattaraugus County Sheriff's Department and the New York State Police as needed.

The Town of Allegany Fire Department is a volunteer force. The fire station that would most likely respond to emergencies on the project site is located at 10 North First Street in the Village of Allegany.

Private haulers collect and dispose of solid waste for the Town of Allegany. There are eight transfer stations in the County, once of which is on Union Street in Allegany. Cattaraugus County has a cooperative agreement with Chautauqua County to send waste to Ellery Landfill. Ellery was recently expanded and has sufficient capacity. Recycling programs are in place pursuant to ordinance and/or regulation and will be available and utilized by any proposed use of the site.

Ambulance service is provided by the Town of Allegany Fire Department, a volunteer service. If advanced life support is needed, the Olean 10 ambulance is dispatched from Olean General Hospital.

3.8 Visual and Cultural Resources

3.8.1 Visual Resources

The predominant land use of the area is comprised of a mix of retail stores, commercial businesses and educational buildings at St. Bonaventure University. The large retail stores to the east, which vary in size and in style, are typically one-story in height and are set back from the road with the parking in front of the stores. Smaller commercial and retail buildings are set closer to the road as in-fill to the larger buildings.

The existing visual environment of the NYS Route 417 commercial corridor is dominated by a three-lane road with 12-foot wide lanes. The width of the road coupled with the front setbacks of the commercial buildings and St. Bonaventure University provides the user a sense of openness.

There are six residential homes fronting NYS Route 417 along the southwestern edge of the property. Each of them is less than 50 years old and

none are architecturally significant. Across NYS Route 417 and set back from highway, St. Bonaventure University provides a significant visual resource to the project area.

There is a significant amount of existing mature vegetation along the north and east property lines. There are also two very large trees (Maple and White Oak) located in the center-rear of the site. This vegetation has been located and identified and can be found on the survey prepared by Mike Canada, Land Surveyor, refer to Figure 8.

3.8.2 Cultural Resources

A preliminary search of the National Register of Historic Places revealed that there are no historic sites located on or directly adjacent to the project site. St Bonaventure University, the current owner of the property obtained a demolition permit from the Town of Allegany based upon the fact that the buildings located on the site were deemed unsafe, therefore creating a need for expeditious demolition. The demolition is a separate action under SEQRA and has been documented to be an emergency action and thus a Type II Action pursuant to SEQRA 6 NYCRR Part 617.5(33).

According to the New York State Historic Preservation Office GIS-Public Access web site, the University Commons project site may be located in an archeo-sensitive area, however, since the site has been substantially disturbed previously, a Phase 1 archeological survey is not warranted.

3.9 Noise

Currently, the primary generator of noise in the vicinity of the subject property is vehicular traffic on NYS Route 417 and accessing the commercial establishments within its corridor. There are no prominent stationary noise generators in the immediate site vicinity.

The Town of Allegany adopted a Noise Law on August 8, 2005 (Local Law 1 of 2005), which describes the types of noise prohibited and standards to be considered in determining whether any sound constitutes excessive, disturbing, unnecessary or unreasonable noise.

3.10 Socio-Economic Conditions and Surrounding Community

The existing character of the NYS Route 417 corridor is predominately commercial with some residential and open space. The proposed site is close to the Home Depot

and Wal-Mart Shopping Center. The Town of Allegany Zoning Ordinance has identified this corridor as appropriate for the development of various commercial business developments to service area residents. The market has identified a need for additional commercial services, as well as office space, which is integrated into the proposed project.

Chapter 4

Anticipated Environmental Impacts And Mitigation

Draft Environmental Impact Statement

University Commons
Town of Allegany, Cattaraugus County, NY

December 2005

4.0 Anticipated Environmental Impacts and Mitigation

4.1 Geology, Soils, Topography

Based on the applicant's experience and soil survey information available, it is unlikely that the proposed development will significantly impact the geology of the site beyond surface disturbance.

The proposed site plan will involve the disturbance of approximately 18± acres of land. The subject site work will require cuts and fills with the possibility of some fill importation from off site to obtain the designed grade. Where necessary, fill material will be obtained on-site and compacted to necessary densities. A preliminary grading plan is included in Appendix E.

Final determination of the foundation system will be made during final building design. It is anticipated that commercial structures on site will be constructed single-story slab-on-grade on a mat foundation to accommodate compressible on-site soil conditions.

4.2 Water Resources

4.2.1 Surface Water and Site Drainage

The proposed storm water drainage system will involve a closed conduit system directing roof drainage, the parking field and landscaped areas totaling 20 acres to storm water treatment areas located at the northeast and northwest portions of the site.

The proposed storm water management basins are designed to capture and treat the water quality volume of 47,372 cubic feet. The primary source of discharge for the ponds will be infiltration into the existing soils. Since the existing soils on-site have rapid percolation rates (greater than 5.0 inches/hour), 100% of the water quality volume (47,372 cubic feet) will be pre-treated prior to entering the storm water basin. Additionally, the water quality ponds will be equipped with a liner to prevent rapid infiltration. The pre-treatment will be achieved by installing a properly sized hydrodynamic storm sewer chambers (CDS Unit) just upstream of the storm sewer entry points to the ponds. The CDS units will pre-treat the storm water and remove most of the large suspended solids and particles prior to the water entering the pond. This will ensure that the pond bottom will not become clogged with sediment over time, which might result in slower soil percolation rates.

The storm water basins are also designed to contain up to a 100 year recurring storm event without overtopping. Moreover, the basins will have a greater than 100-foot horizontal separation from nearby domestic wells and greater than four (4) foot vertical separation from groundwater in accordance with NYSDEC requirements. Refer to Appendix D (Allegany-University Commons Storm Water Management Report) for Hydraflow routings for the proposed storm water basins.

The proposed storm water basins will be designed to provide water quality facilities which will obtain at minimum 80% TSS (Total Suspended Solids) removal and 40% TP (Total Phosphorus) removal. During the early stages of storm events, sediment and phosphorus are washed from the contributing drainage area and discharged into the storm water basin. Stormwater Management basins allow for the removal of sediment, oils, and debris as well as providing time for temperature equalization that may be experienced when the initial run off flows over a warm asphalt surface. The removal of sediment, oils and debris occurs in the permanent pool portions of the storm water management facility, such as in the hydrodynamic unit. Outlet peak discharges can be controlled by properly sizing the volume of the basins and outlet structures.

The proposed storm water management plan for the Allegany-University Commons project addresses the concerns for water quality treatment and mitigating the 1-100 year storm events. The plan also addresses requirements for storm water pre-treatment as it relates to the rapid percolation rates of the on-site soils. This storm water management plan coupled with a SWPPP, executed NOI and regular site inspections, will keep the subject site in compliance with the SPDES Construction Permit requirements.

4.2.2 Ground Water Resources

Although the site is located over a primary aquifer, the Village of Allegany wells are not located in the vicinity of the project site. Due to the developed state of the project site and the distance from the Town's wells, it is unlikely any pollutants will enter the local groundwater resources.

There are two private wells serving residential properties on Cranberry Road north of the project site. These wells are located approximately 530 feet and 580 feet northwest from the edge of the proposed storm water infiltration basin #2 in the northwest corner of the site. On November 14th and 15th test pits were excavated for a subsurface exploration. No groundwater was

encountered during test pit excavation or in the test borings indicating groundwater level to be below elevation 1,403. The bottom of the proposed storm water infiltration basin is 1,420. Therefore the separation between the bottom of the basin and the existing groundwater elevation is greater than 17'. According to Chapter 7 of the New York State Storm Water Management Design Manual, a distance of 100 feet to a well source and a vertical separation of 4 feet to the water table are required from an infiltration storm water basin.

According to the United States Geological Survey (USGS) Water Resources Investigation Report 85-4157 (*Hydrogeology of the Olean Area, Cattaraugus County, NY* USGS 85-4157), under natural conditions groundwater flows down valley and towards major streams and rivers. Within the project area, therefore, ground water, under natural conditions, would flow southerly to the Allegheny River, refer to Figure 14. Moreover the storm water runoff from the proposed site is pretreated with a vortex unit which removes sediment, then flows to a storm water quality basin where further pollutants and sediment can settle to the bottom of the pond then is outlet to an infiltration basin which ultimately discharges the runoff at a rate equal to the existing pre-developed condition. Given that the existing neighboring private wells are upstream, over 500 feet from the project site, the amount of storm water quality treatment being completed on site, and the depth of ground water is greater than 4' below the bottom of the ponds; contamination of the private wells from the storm water runoff is unlikely. Also, due to the fact that the existing site is developed with no storm water quality provisions and the existing runoff is allowed to infiltrate in the northern portion of the site without any filtering, the proposed condition will be an improvement over the existing condition.

Based on the Project Sponsor's experience and available information, it is highly unlikely that the proposed development would have a significant impact on ground water resources for the public or neighboring private wells.

The applicant is willing to connect the two residences with wells to the public water system along Cranberry Road as a mitigation should the residences feel the project has any potential to impact the water quality of their existing wells.

The increase in impervious cover due to buildings, roads, and parking areas represents approximately a 25% increase from existing conditions. The projected 16± acres of impervious area will prevent infiltration and percolation of storm water runoff from the project site. The remaining 4± acres of the site will remain available for water infiltration. The creation of storm water management basins will also promote storm water treatment,

infiltration and ground water recharge. No groundwater discharge locations are known on site (i.e., springs, weeps, etc.). Additionally, no placement of underground or surface fuel storage tanks is associated with this development.

4.3 Air Quality, Odors and Dust

The proposed development does not involve any regulated air emissions sources, and will not release any direct air pollutant discharges.

The largest impacts to air quality could most likely result from increased amounts of vehicular traffic on NYS Route 417 and in the parking areas of the project site. The proposed roadway improvements will improve the level of service at all existing signalized intersections servicing the project site from there current condition. The improvements to NYS Route 417 are expected to accommodate any volume increases on the road network serving the project site. The internal circulation system has been designed as efficiently as possible to ensure the smooth flow of traffic and minimize unsafe conflicts between vehicles and pedestrians. The smooth traffic flow will ameliorate automobile emissions in the manner previously described in Section 3.3.

Potential for generation of odors should be minimal, if at all, for most permitted uses, although odor impacts may potentially result from restaurant uses. Air screening and filtration equipment will reduce any potential odor impacts from restaurants consistent with all Federal, State, and Local emissions and odor standards.

Additionally, dust generated during construction phases represents a potential source of non-permanent air quality impacts. Mitigation measures acceptable within industry and governmental standards to reduce the amount of dust will be taken. As necessary, water will be used to wet unimproved road surfaces, anti-tracking devices will be used to further reduce the possibility of dust traveling from the site, vehicles leaving the site with soil will be covered, the amount of time that disturbed areas remain exposed will be kept to a minimum, and all disturbed areas will be re-vegetated as soon as possible. Landscaping anticipated to be installed within the first year will also reduce resultant dust problems.

4.4 Ecological Resources

The following section of the report describes impacts to vegetation communities, wetlands, wildlife, and endangered and threatened species.

4.4.1 Vegetation Communities

The project is located on a site which has been previously developed. The few vegetation cover types existing on the site are very common in this region of New York State. The loss of these cover types would not be a significant loss to this region of the state.

The Landscaping Plan, Drawing C-130, identified the existing large trees that will be preserved. There are two large trees (a Maple and a White Oak) located in the center of the site that cannot be preserved due to construction of the project. However, the applicant will be installing new trees and vegetation throughout the site as depicted in the Landscaping Plan, Drawing C-130.

4.4.2 Wetlands

Since there are no NYSDEC or federally regulated wetlands on the Site or in the immediate vicinity, there will be no impacts. Therefore, no mitigation is necessary.

4.4.3 Wildlife

The project site has been previously developed, so property redevelopment does not represent a loss of any significant habitat to this area.

Removal of approximately 7± acres of shrub and open field community at the northernmost portion of the site will remove some habitat for a variety of common wildlife species. However, these habitats are common in the vicinity of the site and throughout much of New York State and do not represent the loss of any unique or significant habitat to this area.

4.4.4 Endangered and Threatened Species

As stated in Section 3.4.4, there is no known nesting endangered or threatened species in the project area.

4.4.5 Mitigation of Habitat Removal for Proposed Development

The proposed development will redevelop approximately 7 acres of previously developed land. The existing habitat consists largely of: grasslands, trees and scrub-shrub upland habitat. Due to the limited amount of land and habitat that will be affected by the proposed development, it is not anticipated that

any habitat mitigation will be required for the project. No mitigation is needed or proposed to prevent wildlife habitat loss, because the site is not a significant habitat for wildlife currently.

4.5 Transportation

Town of Allegany officials were contacted to discuss current projects within the town and project study area that are currently approved and/or under construction. Although there are no approved developments within the study area, there is a current application before the Town of Allegany Planning Board to expand the existing Wal★Mart store. Expected traffic from the proposed Wal★Mart expansion project is included as a separate analysis in addition to full development conditions of this project.

Town of Allegany officials were also contacted to determine whether there were any pending site or roadway projects within the project area. There are none.

4.5.1 Site Traffic Generation

To determine the additional traffic attributable to the development, Trip Generation, 7th Edition, published by the Institute of Transportation Engineers (ITE), is used as a reference for this information. The trip rate for the peak hour of the generator may or may not coincide in time or volume with the trip rate for the peak hour of adjacent street traffic. Volumes generated during the peak hour of adjacent street traffic, in this case, the PM and Saturday peaks, represent a more critical volume when analyzing the capacity of the system; those intervals will provide the basis of this analysis.

The volume of traffic generated by a site is dependent on the intended land use and size of the development. Trip generation can be defined as an estimate of the number of trips generated by a specific building or land use. These trips represent the volume of new traffic added to the roadways due to the proposed development as well as traffic diverted from the existing traffic stream and other on-site land uses.

The volume of site-generated traffic at the proposed access drives has been estimated based on data contained in the Trip Generation, 7th Edition manual. All trip generation information has been included in the appendix to illustrate the different uses.

4.5.2 Determination of Multi-use Trips

Inherent in the trip generation estimate for the proposed development, is the "multi-use" traffic component of traffic entering and exiting the site. According to the Institute of Transportation Engineers, Trip Generation Handbook, 2001, "…a multi-use development is typically a single real-estate project that consists of two or more ITE land use classifications between which trips can be made without using the off-site road system. Because of the nature of these land uses, the trip-making characteristics are interrelated, and some trips are made among the on-site uses. This capture of trips internal to the site has the net effect of reducing vehicle trip generation between the overall development site and the external street system (compared to the total number of trips generated by comparable, stand alone sites)." "In some multi-use developments, these internal trips can be made by walking or by vehicle entirely on internal pathways or internal roadways without using streets external to the site."

The ITE Trip Generation Handbook indicates internal capture rates for trips within a multi-use development to be 20% between two retail uses during the PM peak hour. Given the area in which this site is located, and interconnection between adjacent parcels, multi-use (or multiple purpose) trips are likely to occur. Therefore it is estimated, based on methods in ITE Trip Generation Handbook, that an 11% (7%) reduction in total trip generation for the site will occur for the PM (SAT) peak hours, respectively.

4.5.3 Determination of Pass-by Trips

For certain types of developments, the total number of trips generated is different from the amount of new traffic added to the adjacent highway network by the generator. Retail-oriented developments (such as shopping centers, discount stores, restaurants, banks, service stations, and convenience markets) often locate adjacent to busy streets in order to attract the motorists already passing the site on the adjacent street. These sites attract a portion of their trips from traffic passing the site.

Trips generated by a retail-type use can be broken down into two categories: pass-by trips and primary trips. The "pass-by" traffic refers to the amount of existing traffic already on the roadway adjacent to the site (in this case NYS Route 417) that, as it "passes by" the site, will enter the site driveways to patronize the project site. That portion of the generated traffic attracted to the site would pass on the adjacent street system (Route 417) whether or not the

site is developed and thus produces no new traffic at study area intersections other than the site driveways.

ITE data indicates that pass-by rates for shopping centers can vary from 10% to as high as 80% during the PM peak hour. Given the nature of the surrounding area and considering the location of the site on Route 417, pass-by rates of 30% and 20% were used during the PM and Saturday peak periods, respectively, for analysis purposes in this report.

The percentage reduction for multi-use trips was applied to the total site generated traffic resulting in the total driveway traffic (i.e. traffic that will actually enter and exit the site). Pass-by trip reductions were then applied to the driveway trips. Table 3 shows the total site generated trips, multi-use trips, driveway trips, pass-by trips, and resulting primary trips that are added to the existing highway system for full development of the project.

Table 3: Site Generated Traffic Volumes and Adjustments

DESCRIPTION	PM PEAK		SAT PEAK	
	ENTER	EXIT	ENTER	EXIT
Office (54,900 s.f.)	24	116	12	10
Multi Use trips - 11% (7%)	-3	-13	-1	-1
Subtotal – Driveway Trips	**21**	**103**	**11**	**9**
Retail (126,460 s.f.)	351	380	524	484
Restaurants (5 @ 6,000 s.f. each)	200	130	380	220
Multi Use trips – 11% (7%)	-61	-56	-63	-49
Subtotal – Driveway Trips	**490**	**454**	**841**	**655**
Pass-by Trips – 30% (20%)	-147	-136	-168	-131
Resulting Primary Trips (Retail & Restaurant)	**343**	**318**	**673**	**524**
Total Site Generated Driveway Trips	**512**	**557**	**852**	**664**
Total Site Generated Primary (New) Trips	**365**	**421**	**684**	**533**

4.5.4 Site Traffic Distribution

The cumulative effect of site traffic on the transportation network is dependent on the origins and destinations of that traffic and the location of the access drives serving the site.

The proposed arrival/departure distribution of traffic to be generated at this site is considered a function of several parameters, including the following:

- Population centers in the area
- Existing highway network
- Existing traffic conditions and controls
- Site access drive locations

Figure 5 in Appendix B shows the anticipated trip distribution pattern percentages for full build-out of the proposed development site along Route 417. Figure 6 in Appendix B shows the resulting total site generated traffic (including pass-by trips) as assigned to the site driveways and study area intersections for full build-out weekday PM and Saturday midday peak hour periods.

4.5.5 Operational Analyses

The background and future traffic conditions generated by the proposed development were analyzed to assess the operations of the access drives, and adjacent roadway network contained in the study area. The intersection capacity results are shown in Table 4 for background and full development conditions. Table 5 indicates the capacity analysis results with the expected additional traffic generated from the Wal-Mart expansion. The discussion following the tables summarizes the background and proposed capacity conditions.

Table 4: Background and Full Development Intersection Capacity Analysis

Intersection	Background		Full Development		Full Development with mitigation	
	PM	SAT	PM	SAT	PM	SAT
Route 417/Willard						
Eastbound left	B(10.4)	A(9.2)	B(12.5)	B(12.7)	B(12.5)	B(12.7)
Southbound	C(20.5)	C(15.5)	D(27.4)	D(26.2)	D(27.4)	D(26.2)
Route 417/WalMart Drive						
Eastbound left	B(11.5)	B(12.8)	B(13.7)	C(25.1)	B(13.7)	B(19.3)
Eastbound thru/right	B(10.8)	A(9.6)	B(13.5)	B(17.9)	B(13.5)	B(10.6)
Westbound left	B(13.7)	B(11.6)	B(12.4)	B(12.7)	B(12.4)	A(9.4)
Westbound thru	C(23.9)	C(23.2)	C(29.2)	F(164.2)	C(29.2)	C(33.5)
Westbound right	B(12.7)	B(11.0)	B(10.6)	B(10.6)	B(10.6)	A(8.5)
Northbound	B(15.8)	B(10.2)	B(19.0)	B(11.0)	B(19.0)	B(17.0)
Southbound left	C(21.7)	B(17.8)	C(23.2)	B(14.8)	C(23.2)	C(23.6)
Southbound thru/right	B(16.5)	B(10.8)	B(19.3)	B(11.1)	B(19.3)	B(17.0)

Intersection	Background		Full Development		Full Development with mitigation	
	PM	SAT	PM	SAT	PM	SAT
Overall	**B(16.9)**	**B(15.3)**	**C(20.3)**	**E(73.0)**	**C(20.3)**	**C(21.5)**
Route 417/Constitution Avenue						
Eastbound left	C(23.5)	B(11.3)	F(121.2)	B(16.0)	D(42.0)	B(16.0)
Eastbound thru/right	B(14.8)	B(13.4)	B(14.0)	B(18.5)	B(11.1)	B(18.5)
Westbound left	A(8.9)	A(8.4)	A(7.8)	A(8.2)	A(6.1)	A(8.2)
Westbound thru/right	B(17.3)	B(17.1)	C(24.1)	C(22.5)	B(17.9)	C(22.5)
Northbound left/thru	B(11.3)	B(12.4)	B(16.0)	B(15.5)	B(16.3)	B(15.5)
Northbound right	B(10.5)	B(10.3)	B(14.7)	B(13.7)	B(14.7)	B(13.7)
Southbound left	B(10.7)	B(10.4)	B(17.3)	B(18.0)	B(17.7)	B(18.0)
Southbound thru/right	B(11.2)	B(10.6)	B(15.6)	B(14.1)	B(15.6)	B(14.1)
Overall	**B(15.6)**	**B(14.3)**	**C(24.6)**	**B(19.4)**	**B(16.5)**	**B(19.4)**
Cranberry / Constitution						
Eastbound	A(9.2)	A(9.5)	A(9.6)	B(10.3)	NA	NA
Westbound	B(11.2)	B(11.4)	B(13.4)	B(13.7)	NA	NA
Northbound	A(0.3)	A(0.5)	A(0.2)	A(0.3)	NA	NA
southbound	A(0.9)	A(0.8)	A(0.7)	A(0.4)	NA	NA
Route 417/Francis Drive						
Eastbound left	NA	NA	A(9.8)	B(10.4)	A(9.1)	C(24.7)
Eastbound thru/right	NA	NA	Na	NA	A(7.9)	A(6.5)
Westbound left	A(9.0)	A(8.6)	A(8.7)	A(8.4)	A(5.2)	A(8.2)
Westbound thru/right	NA	NA	NA	NA	B(13.8)	C(28.0)
Northbound	C(19.9)	C(17.1)	E(40.2)	F(75.9)	B(12.6)	B(18.0)
Southbound left	NA	NA	F(78.0)	F(163.6)	B(15.3)	C(31.0)
Southbound thru/right	NA	NA	C(16.8)	C(16.8)	B(11.9)	B(16.5)
Overall	**NA**	**NA**	**NA**	**NA**	**B(11.7)**	**C(21.5)**
Route 417/West Site Drive						
Eastbound Left	NA	NA	B(10.4)	B(11.0)	NA	NA
Southbound Left	NA	NA	D(26.6)	E(42.9)	NA	NA
Southbound Right	NA	NA	C(24.1)	C(22.8)	NA	NA
Route 417/East Site Drive						
Eastbound Left	NA	NA	B(11.5)	B(11.1)	NA	NA
Southbound	NA	NA	C(21.4)	C(20.3)	NA	NA

NA = not applicable: intersection/movement does not exist or is not critical.

Route 417/Willard Street

This intersection is shown to operate at LOS "C" or better during background PM and Saturday peak hour periods. The southbound left turn movement is shown to decrease to LOS "D" during Full Development conditions. Delays of this magnitude are common on the minor street approach at unsignalized intersections along Route 417. Therefore, no mitigation is recommended at this location.

Route 417/Wal*Mart Drive-Gargoyle Park Road

The intersection will operate at an overall LOS "B" during PM and Saturday background conditions. Although the overall intersection LOS decreases from "B" to "C" from background to full development with mitigation conditions, all approaches will operate at LOS "C" or better during both PM and Saturday peak periods. The eastbound through/right movement decreases from "A" to "B", the southbound left decreases from "B" to "C" from background to full development with mitigation conditions during the Saturday peak hour period. The PM and Saturday full development with mitigation conditions reflect revised signal timings that are within the parameters of the existing actuated traffic signal. In order to mitigate this intersection to background levels of service, additional capacity would need to be provided on Route 417, which is not feasible mitigation for this development. Therefore, no mitigation is required at this intersection as a result of the proposed project.

Route 417/Constitution Avenue

The intersection is shown to operate at LOS "C" or better for all movements during PM and Saturday background conditions. The levels of service for all movements can be maintained under full development with mitigation conditions, with the exception of the eastbound left and the westbound thru/right movement. The PM and Saturday full development with mitigation conditions reflect revised signal timings that are within the parameters of the existing actuated traffic signal. The eastbound left decreases from LOS "C" to "D" during PM peak hour conditions only. This condition could be mitigated with the addition of a permitted / protected movement at this intersection; however this will increase delay for all other movements at this intersection. Therefore, the addition of an eastbound permitted / protected phase at this intersection is not recommended due to the increased delay to all other motorists at the intersection and this condition only occurs during the PM peak hour. The westbound thru/right movement decreases from LOS "B" to "C" during the Saturday peak hour period only. In order to mitigate this intersection to background levels of service, additional capacity would need to

be provided on Route 417, which is not feasible mitigation for this development. Therefore, the existing traffic signal can accommodate the projected traffic demands, and no mitigation is required at this intersection as a result of the proposed project.

Cranberry Road/Constitution Avenue

Levels of service results for background and full development conditions are shown to be LOS "B" or better for PM and Saturday peak hour periods. The eastbound approach will decrease from LOS "A" to "B" during the Saturday peak hour period, but the actual increase in delay is less than one second. Therefore, no mitigation is recommended at this intersection.

SITE ACCESS DRIVES

Route 417/Middle Site Drive – Francis Drive

The westbound and northbound left movements are shown to operate at LOS "C" or better during PM and Saturday under background conditions. With the addition of traffic at the new site drive (forming a four way intersection) the northbound and southbound approaches are shown to operate at LOS "E" and "F" during the PM and Saturday peak periods under full development conditions. This condition could be mitigated with the installation of a traffic signal, which would increase the levels of service to "C" or better for all movements during the PM and Saturday conditions. The warrants for a traffic signal are studied in detail in the following sections of this report.

Route 417/West Site Drive

The proposed site drive intersection with Route 417 will operate as LOS "D" and "E" for the PM and Saturday peak hour periods, respectively, on the southbound approach for vehicles exiting the development. Delays of this magnitude are common on the minor street approach at unsignalized intersections along Route 417. Although signalization of this intersection would provide a protected vehicular right-of-way movement for the minor street approach, it would not be appropriate at these locations for the following reasons:

- It is unlikely that minor approach (site drive) traffic volumes would meet minimum required volume and delay warrants
- Additional significant delay would be incurred to east and westbound motorists on the major street (Route 417)

- New traffic signal at the proposed middle site driveway-Francis Drive on Route 417 will create gaps for vehicles exiting the west site drive

It is recommended that the existing two-way left turn lane be re-striped to an exclusive left turn lane entering the proposed west site drive. The warrants for an exclusive turn lane are discussed in the following sections of this report.

Route 417/East Site Drive

The proposed site drive intersection is shown to operate at LOS "C" or better during the PM and Saturday peak periods.

4.5.6 Analysis with Additional Wal-Mart Traffic

Table 5: Full Development Intersection Capacity Analysis With Additional Wal-Mart Traffic

Intersection	Full Development with mitigation	
	PM	SAT
Route 417/Willard		
Eastbound left	B(12.7)	B(12.8)
Southbound	D(28.3)	D(26.7)
Route 417/WalMart Drive		
Eastbound left	B(16.1)	C(24.2)
Eastbound thru/right	B(12.7)	A(9.7)
Westbound left	B(13.1)	A(9.5)
Westbound thru	C(30.1)	C(31.1)
Westbound right	B(11.5)	A(8.8)
Northbound	B(19.2)	B(18.0)
Southbound left	C(27.1)	C(28.8)
Southbound thru/right	B(19.9)	B(18.1)
Overall	**C(20.8)**	**C(21.2)**
Route 417/Constitution Avenue		
Eastbound left	D(47.9)	B(16.1)
Eastbound thru/right	B(11.0)	B(18.8)
Westbound left	A(6.1)	A(8.2)
Westbound thru/right	B(18.3)	C(22.7)
Northbound left/thru	B(17.0)	B(15.8)
Northbound right	B(15.3)	B(14.0)
Southbound left	B(18.5)	B(18.5)
Southbound thru/right	B(16.2)	B(14.4)

Intersection	Full Development with mitigation	
	PM	SAT
Overall	**B(17.1)**	**B(19.6)**
Cranberry / Constitution		
Eastbound	A(9.6)	B(10.3)
Westbound	B(13.4)	B(13.7)
Northbound	A(0.2)	A(0.3)
southbound	A(0.7)	A(0.4)
Route 417/Francis Drive		
Eastbound left	B(10.5)	C(32.7)
Eastbound thru/right	A(8.1)	A(7.2)
Westbound left	A(5.2)	A(8.9)
Westbound thru/right	B(14.8)	C(28.2)
Northbound	B(13.1)	C(20.4)
Southbound left	B(16.1)	C(33.7)
Southbound thru/right	B(12.3)	B(18.7)
Overall	**B(12.4)**	**C(23.0)**
Route 417/West Site Drive		
Eastbound Left	B(12.7)	B(11.1)
Southbound Left	D(28.6)	E(45.7)
Southbound Right	E(38.1)	C(23.4)
Route 417/East Site Drive		
Eastbound Left	B(11.7)	B(11.8)
Southbound	C(21.7)	C(21.7)

Route 417/Willard Street

This intersection is shown to operate at LOS "C" or better during background PM and Saturday peak hour periods. The southbound left turn movement is shown to decrease to LOS "D" during Full Development conditions. Delays of this magnitude are common on the minor street approach at unsignalized intersections along Route 417.

Route 417/WalMart Drive-Gargoyle Park Road

All movements at this intersection will operate at LOS "C" or better during both PM and Saturday peak hour periods under the full development conditions with the additional Wal★Mart traffic. It is expected that the existing traffic signal can accommodate the projected traffic demands.

Route 417/Constitution Avenue

All movements at this intersection operate at LOS "C" or better during the full development conditions, with the exception of the eastbound left turn movement during PM peak hour conditions. This condition could be mitigated with the addition of a permitted / protected movement at this intersection; however this will increase delay for all other movements at this intersection. Therefore, the addition of an eastbound permitted / protected phase at this intersection is not recommended due to the increased delay to all other motorists at the intersection and this condition only occurs during the PM peak hour.

Cranberry Road/Constitution Avenue

All movements at this intersection are shown to be LOS "B" or better during full development conditions with the addition of Wal★Mart traffic for PM and Saturday peak periods studied.

SITE ACCESS DRIVES

Route 417/Middle Site Drive – Francis Drive

With the installation of a traffic signal at this intersection, the levels of service are "C" or better during the PM and Saturday conditions for all movements.

Route 417/West Site Drive

The proposed site drive intersection with Route 417 will operate as LOS "D" and "E" for the PM and Saturday peak hour periods, respectively, on the southbound approach for vehicles exiting the development. Delays of this magnitude are common on the minor street approach at unsignalized intersections along Route 417.

Route 417/East Site Drive

The proposed site drive intersection is shown to operate at LOS "C" or better during the PM and Saturday peak periods.

4.5.7 Site Circulation

Vehicles will access University Commons from NYS Route 417 using through three driveways. Interior vehicular circulation will be defined by landscaped islands, curbing and striping. A one-way vehicle drive-through will be located on the south side of Retail E-4 to accommodate a drive-through business. An appropriate stacking distance has been included to prevent vehicular conflicts.

Truck traffic for delivery of goods to tenants will be discouraged from the center driveway and directed to the east and west driveways, in order to avoid conflicts with pedestrians and vehicles.

4.5.8 Conclusions and Recommendations

The Traffic Impact Study addresses the traffic impact that can be expected from the University Commons development in the Town of Allegany as described in this report. It has been shown that upon completion of recommended mitigation measures, the transportation network will adequately accommodate the projected traffic volumes and resulting impacts to study area intersections, without significant adverse impacts to traffic operations.

The following list details specific recommendations to be implemented as a result of this development:

1. Provide an eastbound left turn lane on Route 417 at the westerly site driveway by re-striping the existing two-way left turn lane. The turn lane should be constructed to 305′ in length (230′ of storage plus a 75′ bay taper).

2. Provide an eastbound left turn lane on Route 417 at the proposed middle site driveway by re-striping the existing two-way left turn lane. The turn lane should be constructed to 305′ in length (230′ of storage plus a 75′ bay taper).

3. Construct a westbound right turn lane at the proposed middle site driveway on Route 417. The turn lane should be constructed to 305′ in length (230′ of storage plus a 75′ bay taper).

4. Install a 3 color, two-phase traffic signal at the proposed middle site drive intersection with Route 417.

5. The proposed west site drive on Route 417 should be constructed with two lanes exiting and one lane entering to accommodate the appropriate design vehicle, and be stop sign controlled.

6. The proposed middle site drive on Route 417 should be constructed with two lanes exiting (a left turn lane and one shared through/right turn lane) and one lane entering to accommodate the appropriate design vehicle.

7. The proposed east site drive on Route 417 should be constructed with one lane exiting and one lane entering to accommodate appropriate design vehicle, and be stop sign controlled.

8. All recommended roadway and intersection improvements along Route 417 are subject to review and approval by the New York State Department of Transportation (NYSDOT).

4.6 Land Use, Comprehensive Plans and Zoning

4.6.1 Land Use

As described in Section 3.6, current land use in the vicinity of the site to the east along NYS Route 417 is large scale commercial and includes several big box retail stores, fast food, high turnover restaurant and sit down restaurants. The proposed development will extend and enhance the existing commercial corridor along NYS Route 417, which corresponds to the recommendations of the Route 417 Corridor Study. The total area of the proposed development, including buildings, parking spaces and storm water basin, comprises, on the average, about 88.5% of the total acreage of the site. The remaining acreage will include, landscaped parking lot islands, foundation plantings, tree plantings along NYS Route 417 and undeveloped open space.

The parcel on the northeast edge of the site, connecting to Cranberry Road, will not be used for commercial development. The Project Applicant will provide maintenance for this property by keeping the grass area mowed. Developing this parcel as a park is not feasible, because the Applicant does not wish to assume liability for the operation, maintenance and supervision of a park.

4.6.2 Comprehensive Plans

As previously stated in Section 3.6, the Town of Allegany does not have a formal Comprehensive Plan. Land use planning for this section of the Town of Allegany is based upon the 1997 *Planning and Development Policies of the Town of Allegany, Section I*, the Town Zoning Ordinance, the Town Zoning Map, and the 1999 Route 417 Corridor Management Plan. The proposed development of the site is substantially consistent with the Planning and Development Policies of the Town of Allegany, the Town of Allegany Zoning Ordinance and the Route 417 Corridor Management Plan recommendations, which seek to retain and expand the Town's retail hub and to promote

campus-like development across from St. Bonaventure University. As the Corridor Management Plan recommends, University Commons will be a mixed-used development with pedestrian walkways and landscaped buffers.

4.6.3 Zoning

The proposed development is located on land currently zoned as a Commercial District (C-1) and Single Family Residential District (R-1), with a Route 417 East Corridor Overlay District (CO-1). Approximately 6.62 acres, which currently is zoned Single-Family Residential (R-1), will need to be rezoned to Commercial (C-1). A special use permit is needed to allow shopping plazas and complexes within a C-1 Commercial District. Additionally, two variances will be required to alter parking space size on the development from 10 feet by 20 feet to 9.5 feet by 18 feet[3] and to allow parking within front setback of the development.

Currently, Castle Road terminates north of the project site. In exchange for abandonment of .0543 acres of Castle Drive right-of-way, the Project Applicant will construct a road turnaround that is acceptable to the Town of Allegany Highway Department.

Pursuant with the development standards of the Route 417 East Corridor Overlay (CO-1) District, University Commons will not include franchise architecture and the buildings will be situated along Route 417. The development will incorporate pedestrian accommodations from St. Bonaventure University and the residential neighborhood north of the site, and traffic calming devices, including a pedestrian sidewalk and raised table with grass median, within the site.

The parking variance for the front setback will allow reduced concentration of parking throughout the site. Reduced concentration of paving will create a visually-pleasing, pedestrian-friendly and safe setting for retail, office and restaurant development, consistent with the development standards for the CO-1 Overlay District. The traditional layout with buildings at the front of the site with parking in the rear, which would not require a variance to occupy the front setback, is not conducive to the goals of the Project Applicant, to provide a high-quality, convenient and aesthetically pleasing retail experience nor is it consistent with the goals of the overlay district.

[3] Note: At the time this DEIS was published, the Town was considering changing the parking size requirement from 10 feet by 20 feet to 9.5 feet by 18 feet. If this change is approved, a parking size variance for University Commons will not be needed.

As required by the CO-1 Overlay District, University Commons will include a 40-foot landscaped buffer on the east side of the property to provide visual screening for residential neighborhoods. Trees along the property boundaries will be preserved screen the view and lights from the project site. In addition to the trees, supplemental screening, fencing, berms and landscaping will be provided. Planting buffers will be included around the parking lots to improve views to the site, and 5% of the interior paved space will be dedicated to landscaping. The site entrance will include 4'-6" and 6' stone piers at 20' intervals with maintained evergreen vegetation between each pier along the parking fields fronting Route 417. The Project Applicant also will seek approval from the NYSDOT to plant street trees at 30-40 foot intervals along Route 417. A preliminary landscape plan is included in Appendix E.

As described above, the proposed project substantially complies with the spirit of the CO-1 Overlay District.

4.7 Community Services

4.7.1 Utilities

Existing utility services including water, sanitary sewer, gas, electric, and telephone, will be extended to the proposed development site. A preliminary utility plan is included in Appendix E.

4.7.1.1 Water

Currently the Town of Allegany's water supply system can provide adequate potable water volumes and pressure to the proposed development. Recent hydrant flow tests conducted on August 2, 2005 within the area indicate the static water pressure is approximately 63 PSI. This hydrant flow information indicates sufficient pressure in the Town's system given a flow of 1015 GPM.

4.7.1.2 Sanitary

Sanitary sewer service is provided by the Town of Allegany. An 8" sanitary sewer line bisects the proposed development site. As previously mentioned, the alignment of this sewer conflicts with some of the proposed buildings pads. Therefore, it will be necessary to relocate this sewer line to the northernmost section of the site. The existing twenty (20) foot wide easement for this sewer to the Town will need to be abandoned and a new easement created for the relocated

sewer. The proposed development will be serviced by sewer laterals extending from the 8" sewer.

The peak sanitary hydraulic loading anticipated with the proposed development is approximately 45 GPM, and approximately 20,000 GPD. The previous use of the site was a motel, restaurant and movie theater. Based on the type of uses, i.e., movie theatre, restaurant, single-family homes, and motels, and their relative building areas, it is estimated that these uses generated approximately 50 gpm of flows during peak usage. Therefore the hydraulic loading from the proposed development will not create additional flows to the system. All improvements to the sanitary sewers and appurtenances will follow 10 States Standards as well as New York State Health Department and the New York State Department of Conservation requirements for such facilities.

4.7.1.3 Storm Sewers

To manage the increase in runoff from the proposed development a storm sewer system will be required. It is envisioned that storm water runoff from paved areas and buildings will be collected in structures such as catch basins and/or open grate manholes. These structures will be connected to a series of underground storm sewers, which will direct flows to proposed storm water management basins. The storm sewer system will be designed to convey flows from a 10- year storm event. However, the storm water management basins will be designed to accommodate the 100-year storm event. The proposed storm sewers will be constructed, owned and maintained by the developer. All existing storm sewers on the site will likely be removed.

4.7.1.4 Gas

Gas service is provided by NYSEG. A gas line parallels NYS Route 417. The proposed development will connect to this network. Actual locations will be determined during final site planning and will be coordinated through NYSEG.

4.7.1.5 Electric

Electric service is supplied by Niagara Mohawk, which will be renamed National Grid this fall. Overhead electric lines parallel NYS Route 417. Proposed development will utilize this system. Actual locations of

connections will be defined as final site plans are developed and will be coordinated through Niagara Mohawk/National Grid.

4.7.1.6 Telephone

Telephone service is provided by Verizon Communications. Overhead telephone lines parallel NYS Route 417. Service will be provided to the proposed development by extending this network. Actual connections will be defined as final site plans are developed.

4.7.2 Municipal Services

A number of municipal services are available to the residents and businesses in the Town of Allegany, including Police, Fire, and Ambulance. It is anticipated that the proposed site development would not have a significant impact or burden on these municipal services. Any realized increase in services can be funded through future property taxes.

4.8 Visual and Cultural Resources

4.8.1 Visual Resources

The visual quality of the proposed project is compatible with the typical commercial strip development in this region and the NYS Route 417 commercial corridor.

Presently, St. Bonaventure University is demolishing the existing structures on site due to their deteriorating condition. The existing building facades would require substantial rehabilitation to once again become visually appealing. The existing residential properties are not historically or architecturally significant. Moreover, the site lacks landscaping and architectural cohesion which makes demolition and redeveloping a positive alternative.

University Commons will blend with surrounding land uses and the commercial character of the area. Impacts to visual resources will be reduced through the application of site design principals and specified architectural design guidelines. The project will include both single story and two-story masonry retail, restaurant and office buildings. Parking areas will be dispersed throughout the site to minimize parking field size and facilitate access to each building. The open visual environment will be enhanced via building placement and landscaped islands in the parking lot to break up sight lines. Additionally, natural vegetative buffers and landscaping on the periphery of

the project site will provide view filtering from adjacent properties and from the larger view shed.

4.8.2 Architecture

A preliminary site plan for University Commons is included in Appendix E. The proposed buildings include; a one-story retail (Building E), two two-story office/restaurant/retail (Buildings A&C), a two-story retail/office (Building D), a two-story restaurant/office (Building B) and a one-story restaurant/retail building. They are proposed as steel frame construction, fully sprinklered as required by Code. Access to all buildings will be provided by entryways in full compliance with the Americans with Disabilities Act.

The design goal is to create a human scale development that promotes pedestrian access and creates an identifiable and appealing sense of place. This is achieved through the siting of the buildings, location of parking, landscaping, building massing, colors, texture and visual interest.

The two story buildings are clustered on an internal street with wide sidewalks, decorative lighting, street trees and landscaped furnishings. A pedestrian walkway through Building D terminates the street and serves as a gate to the single story retail building. The parking areas have been dispersed throughout the site to provide a proportional number of parking spaces in proximity to the building they are servicing and to limit the size of parking fields. The interior circulation system is designed to provide safe, convenient vehicular and pedestrian access throughout the plaza.

Proposed facades utilize a variety of exterior materials, colors, textures and features to provide visual variety and address the pedestrian scale. Materials under consideration include brick veneer, EIFS and wood or composite siding. Windows will be trimmed with painted aluminum frames. Decorative lighting will be compatible with the architectural character of the buildings. Security lighting will be fully screened, full cut off fixtures to avoid light glare. Canvas awnings or covered walkways where appropriate will be encouraged. Visible roof materials will relate to the identifiable clay tile roofs at the adjacent St. Bonaventure College Campus. Rooflines are varied in height through the use of parapet walls, towers and gable ends. Roof top equipment will be screened from view. The character of the buildings will be compatible through a consistent architectural language and material pallet and will avoid direct franchise-style architecture.

It is recognized that the two story buildings and the one story retail/restaurant (Building F) are visible on all sides; therefore the four elevations will be treated as primary facades. The single story retail (Building E) has two visible primary faces and two secondary faces. The secondary elevations will be treated with painted split face block and full cut off, fully shielded light fixtures as required for security. Screening to the adjacent residential neighborhood will be achieved with a continuous 6′-0″ high wood fence and landscaped buffers. Concept designs for buildings A, D & E are attached (Figures 3, 4a and 4b).

A buffer along route 417 is proposed to screen the parking areas from the roadway. Refer to Figure 15. The screen will consist of Masonry and precast piers 4′-6″ and 6′ tall which are approximately 20′-0″ on center. Between the piers is a solid 3′-0″ high maintained evergreen hedge. The masonry piers include a decorative light at the entries and serve as a gateway to the commons. Street trees on the parking lot side of the hedge add vertical articulation to the buffer.

4.8.3 Lighting

The proposed lighting design for the site will incorporate parking lot, pedestrian style, and building mounted lighting. The parking lot lighting will consist of 32 foot poles mounted on 3 foot tall pre-cast concrete bases for a total height above grade of 35 feet. The fixtures will be single, double or triple headed depending on placement in the parking lot and will be 1,000 watt metal halide illuminares. The fixtures will meet Illuminating Engineering Society of North America (IESNA) standards. To minimize the glare the fixtures will be a shoe box style fixture with flat cut-off lenses which will not be mounted below the box and will direct light downward. There will be no measurable light spill off site at the ground surface. During the overnight hours, when the retail store are not in operation, the number of parking lot lights remaining on will be reduced to a level to provide only what is necessary for security purposes. This will reduce the impact of the lighting on the residential neighbors to the north and east of the site. The pedestrian style lighting will be installed along the streetscape area of the site between the four proposed two story buildings. It is the intent of the design to provide a streetscape similar to a downtown or small scale village located throughout the United States. These pedestrian style poles will be 14 feet in height. The fixtures will be 175 watt metal halide illuminares, which will be in character with the surrounding Village of Allegany. The building mounted lights will be located on the front of the buildings as accents to enhance the architectural quality. Building mounted lights will also be used on the rear of the buildings mounted above all doorways as required by New York State Building Code.

The wall packs used as accents will be selected and submitted to the Planning Board for approval when they have been selected. The wall pack used on the rear of the buildings will be 175 watt metal halide illuminares and will have flat cut-off lenses to reduce glare to the residential neighborhoods to the north and east.

The light levels as shown on the Photometric Plan which is located in Appendix E along the property line is between 0.1 and 0.0 foot candles. It is the intent of the design to provide no spillage of light beyond the property lines and into the residential neighborhoods to the north and east. This will be accomplished by placing the fixtures in areas where light will not spill over the property line or by providing a shield in the light fixture housing to direct light away. The average foot candles for the parking lot are 9.73 with a minimum of 2.8 and a maximum of 25.6 foot candles.

4.8.4 Buffering

The proposed project site is adjoined by residential uses on the north and east sides. The residential neighborhoods to the north are along Cranberry Road and Castle Drive. The residential neighborhood to the east is along Willard Street. To reduce visual and noise impacts to these residential neighborhoods several measures will be implemented by the applicant.

Cranberry Road

Along the north property line backing up to Cranberry Road property owners, existing vegetation will remain and new evergreen vegetation will be installed as infill to interrupt views into the site from the residential properties. See Landscaping Plan C130 in Appendix E. Groupings of evergreen vegetation will likewise screen the views to the storm water quality retention pond with small infiltration basin which will be constructed on the northwest corner of the site. Also, the applicant will be required to plant wetland type vegetation along the banks of the pond per the NYSDEC Phase II regulations. The vegetative cover will beautify the pond and create a more attractive setting for flora and fauna. This pond is located in excess of 500 feet from the residences along Cranberry Road and the applicant does not feel a fence is required for safety measures. The pond will be constructed with 1:4 side slopes which is the maximum slope required by the NYSDEC without constructing safety benches, refer to the Grading Plan C120 in Appendix E. The static water depth for this infiltration pond will be approximately 6'.

Castle Drive

Along the north property line adjoining property owners near and along Castle Drive, existing vegetation will remain and new evergreen vegetation will be installed as infill to interrupt views into the storm water detention area serving the site. See Landscaping Plan C130 in Appendix E. Around the proposed storm water retention and infiltration basins on the west side of Castle Drive the applicant will be installing groupings of evergreen vegetation to soften views to the pond from the Castle Drive residences. There are existing evergreen trees along the north portion of the pond which will remain to block the views from the north. Also, the applicant will be required to plant wetland type vegetation along the banks of the pond per the NYSDEC Phase II regulations. The vegetative cover will beautify the pond and create a more attractive setting for flora and fauna. Due to the close proximity of the pond to Castle Drive the applicant will provide a 6' tall chain link fence encompassing the entire pond. A locked gate will be provided for maintenance of the pond. This fence is intended to discourage people from entering the storm water quality portion of the pond for safety reasons since it will have a static water depth of approximately 5'.

Willard Street

Along the east side of the project, backing up to property owners along Willard Street, a 6' tall solid wood fence will be installed approximately 20' west of the east property line to screen the views to the rear of Building E and help mitigate noise during un-loading operations from the Willard Street residences. Refer to the Site Plan C100 in Appendix E. By placing the fence 20' off the property line the fence will be slightly higher, due to the filling of the site in this area and will give the residential parcels more visual separation to the site. Varying amounts of vegetation will be provided on the residential side of the fence to soften the views of the fence and to better enhance the views to the project from the residences to the east, refer to the Landscape Plan C130 in Appendix E.

4.8.5 Cultural Resources

There are no known or potential sites of historic or archeological importance on the project site. The existing site has been substantially disturbed previously, leaving little possibility for historic or archeological impacts.

The proposed action will not impact any facility or site listed on the State or National Register of Historic Places. Recently, the Castle restaurant was

demolished by the property owner, St. Bonaventure University, eliminating the possibility of examining its potential for historical importance.

No impacts on Cultural Resources are anticipated and no mitigation is required.

4.9 Noise

Noise impacts associated with the project will consist of short-term construction impacts and normal long-term operational activity. The Project Applicant will comply with the Town of Allegany Noise Law regarding deliveries (Section 5.h), construction (Section 6.a), and grounds maintenance (Section 6.c).

Actual construction activities including grading and building construction will require the use of heavy equipment. Construction generated noise will be mitigated through proper maintenance of construction equipment and vehicles, as well as a specified work schedule. The proposed work schedule will adhere to the requirements of the Town of Allegany Noise Law. All construction related noise will be at non-harmful levels and duration.

The proposed development involves office, retail and restaurant type uses, and daily operations will be typical of other similar retail developments. Noise will be generated from motor vehicles entering and exiting the site and some noise will result from limited loading and deliveries, and service vehicles (trash removal and snow plowing). With the exception of snow and trash removal, truck loading and unloading will not occur during the hours of 10:00pm and 7:00am. Earth berming with deciduous and evergreen plant material and the construction of a solid 6' tall wood fence along the eastern property line will serve to minimize noise impacts to neighboring residences.

Trucking is another source of noise. Product deliveries are an integral component of any retail or food service business. NYS Route 417 already serves a number of large retail businesses in the project area. The increase in trucking will not significantly elevate existing noise levels.

Considering the generally high level of ambient sound/noise generated by existing traffic on NYS Route 417, and by existing commercial uses in the area, noise generated on this site will not substantially elevate the present ambient level or create any significant or unreasonable noise impact to identified sensitive receptors. Moreover, it is likely that the surrounding property owners were once well accustomed to noise from the property when it was an active motel, restaurant and theater.

4.10 Socio-Economic Conditions

The development has potential to provide goods and services to a market identified as being able to support this commercial development, as well as providing jobs to the community. As described in Section 2.1.3, the proposed retail development can contribute extensively to the real property tax base as well as producing sales tax revenue at the state and local levels.

Chapter 5

Unavoidable Adverse Impacts

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5.0 Unavoidable Adverse Impacts

During the development of any project, regardless of its magnitude, certain adverse impacts on the environment will result despite all measures implemented to mitigate these impacts. The unavoidable adverse impacts anticipated to occur due to the development of the proposed site are summarized in this section.

5.1 Unavoidable Short-Term Impacts

Unavoidable short-term impacts are all related to the construction phases of the project. They are all temporary, localized and minor in nature. These short-term impacts include:

- Temporary traffic delays due to construction of proposed highway improvements;
- Increased traffic levels due to construction worker's vehicles and off-site equipment movement;
- Temporary but non-harmful increases in noise levels in the immediate vicinity of construction;
- Creation of fugitive dust; and,
- Non-harmful localized increases in air emissions from construction equipment.

5.2 Unavoidable Long-Term Impacts

Certain long-term environmental impacts will result from the construction and operation of the retail and commercial establishments.

Traffic volumes will increase as a result of the project and normal growth in the area. However, NYS Route 417 has sufficient capacity. Additional mitigation in the form of turning lanes, the addition of a signal and other intersection modifications will re-establish levels of service at appropriate intersections.

Chapter 6

Alternatives

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6.0 Alternatives

6.1 No - Action Alternative

The alternative of no action would result in continuing the non-use of an underutilized parcel of land which provides little scenic, historical, ecological, or recreational benefits to the community, and virtually no economic or other benefit to the owners or the community. Thus, the no action alternative for the site will not provide any economical benefit to the Town and will not create additional retail choices or options for the Town of Allegany.

6.2 Alternative Development Sites and Locations

The present owners do not own nor have under option any other parcels within the immediate or nearby area, which could serve as alternative locations. The project site's location along the north side of NYS Route 417 is ideally suited for the development proposed as it is consistent with the existing commercial development along this portion of NYS Route 417 and the corridor study.

There are no other sites in near proximity to the project site located adjacent to NYS Route 417 in a manner, like the project site, whereby access may be provided from NYS Route 417.

6.3 Alternative Land Use

The subject property is located within a commercial corridor in the Town of Allegany. The property is zoned for commercial use. There are no other alternative uses for the site that would not require a variance from town zoning or a deviation from the Town's planning efforts.

By clustering commercial retail development on NYS Route 417 in the vicinity of the subject property, the Town will be preserving the rural/residential character of other areas. By classifying the property for commercial use, the Town has expressed its intent that there should not be alternative uses for the subject property.

6.4 Alternative Site Plan

The proposed site plan requiring a parking variance for the front setback will allow reduced concentration of parking throughout the site. Reduced concentration of paving will create a visually-pleasing, pedestrian-friendly and safe setting for retail, office and restaurant development, consistent with the development standards for the CO-1 Overlay District. The traditional building and parking layout, which would not

require a variance to occupy the front setback is not conducive to the goals of the Project Applicant, to provide a high-quality, convenient and aesthetically pleasing retail experience. Furthermore, the traditional layout is not consistent with the goals of the overlay district in that it does not promote safety for pedestrian traffic throughout the site to the same degree that the proposed site plan does.

Chapter 7

Irreversible & Irretrievable Commitment of Resources

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7.0 Irreversible & Irretrievable Commitment of Resources

The project development will cause the limited irreversible and irretrievable commitment of land, building materials, energy, labor, and economic resources. Construction and operation of the project will involve the demolition of existing buildings and construction of new buildings for retail use, parking area and circulation system. The portion of the site that will be developed for buildings and paved surfaces will be irretrievably committed for the foreseeable future.

Furthermore, the development will require the irretrievable commitment of materials, supplies, energy and labor involved with construction, operation and maintenance of the structure and the associated facilities, indirectly including the solid waste disposal capacity required by the commercial operation.

Irretrievable commitment of economic resources will include the cost of construction materials, energy, and labor services.

Chapter 8

References & Consultation

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8.0 References and Consultations

Town of Allegany, *Zoning Ordinance II of the Town of Allegany, New York*. Adopted 5/5/2000 and amended 7/8/2004.

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United States Department of the Interior, Water Resources Investigation Report (88-4076 Niagara Sheet), July 1975.

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Planning and Development Policies of the Town of Allegany, Section I; Promote and Protect the Town of Allegany as a Viable Community, August 19, 1997

Chapter 9

List of Preparers

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9.0 List of Preparers

Organization	Contribution
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